SOME UNPUBLISHED AND LATER SPEECHES AND WRITINGS OF

The Hon. Sir PHEROZESHAH MEHTA.

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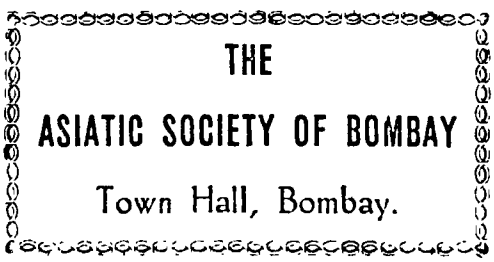
EDITED BY

J. R. B. JEJEEBHOY



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Yours Very Sincerely

Cherwjeshuk Tu Metta

SOME UNPUBLISHED & LATER SPEECHES & WRITINGS

OF

The Hon. Sir PHEROZESHAH MEHTA,

M. A., LL. D., K. C. I. E.,

BAR-AT-LAW.

1947

ith an Introduction by Sir **NARAYAN G. CHANDAVARKAR**, Kt.

37705 al

EDITED WITH NOTES

BY

J. R. B. JEEJEEBHOY.

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DEDICATION.

To

His Excellency

The Right Hon'ble Sir Freeman Freeman-Thomas

Baron Willingdon of Ratton,

G. C. S. I., G. C. I. E., G. B. E.,

Governor of Bombay.

My Lord,

Casting my eyes around me, if I could find any person to whom I could, with the greatest propriety, inscribe this Volume of the "Unpublished and Later Speeches and Writings of the Hon. Sir Pherozeshah Mehta," it is Your Excellency; for, in the early years of your administration, Your Excellency was associated with Sir Pherozeshah in the work of your Legislative Council and was a co-worker in the public cause. You, My Lord, were not slow to discern the great mental and moral qualities of that great statesman and were early drawn towards him with that sympathy which generally exists among kindred spirits actuated by the same righteousness of purpose, loftiness of ideals, the same transparent sincerity and abounding love for the people of India; and when he passed away amidst a nation's mourning, you and Your Excellency's Government were, outside his family circle, the chief mourners, for, in his death, Your Excellency lost a sage counsellor of vast talent, sound wisdom and matured experience. Had that great man been living in these strenuous days, the bark of India's Progress and Advancement which is now tossing on the high waves would have been brought safely to port. But alas!—that was not to be and he passed away to 'the regions dedicated to saints and martyrs' leaving his country which he loved so much, the poorer indeed for his loss. Such are the inscrutable ways of Providence!

My Lord, you are now on the eve of being transferred to another sphere of activity after hard and strenuous labour in this Presidency. How gratifying is it to a Governor to realise that during his term of office he has conscientiously tried to reconcile his great duty to his king with the still greater duties that he owed to the people over whom he was deputed to rule! Permit me, My Lord, to indulge my earnest hope that some years hence when the time comes for you to leave these shores to retire to your native country, India will always have a warm corner in your heart and that your efforts will ever be directed towards her progress, her advancement and her regeneration.

With heartfelt gratitude for Your Lordship's gracious permission so readily accorded to allow your distinguished name to be connected with this volume,

I have the honour to remain,

My Lord,

Your Most Obedient and Faithful Servant,

J. R. B. Jeejeebhoy

PREFACE.

In the year 1905, there appeared a volume of the "Speeches and Writings of Sir Pherozeshah Mehta" edited by Mr. C. Y. Chintamani of Allahabad, an eminent Congressman and the Editor of "Indian Social Reformer." That such a book supplied a real want and was highly appreciated by the reading public, there can be no manner of doubt. Sir Pherozeshah was admittedly the greatest orator that this Presidency had ever produced. His speeches captivated his hearers to such an extent that whenever it was announced that Pherozeshah Mehta was to speak in public, people flocked together from far and near to admire his masterly rhetoric. A volume of his speeches, therefore, was calculated to be useful to budding patriots and politicians who would find it handy for ready reference or for careful study. Sir Pherozeshah himself liked to have such a book placed in his hands, for, whenever he had to speak in public, he took extraordinary care to ascertain what views he had himself expressed on that particular question in his previous speeches and many a times, old Times of India and Bombay Gazette files were seen piled up in his office for the required information to be dug out of their bulky and unwieldy contents.

Ten years had elapsed since the publication of Mr. Chintamani's collection and in the interval the great orator had not been idle. The walls of the Council Chamber had often reverberated with his heavy cannonade, advocating a popular cause or denouncing some act of official high-handedness. Both in the Corporation Hall and in the University Senate, he addressed cultured audiences and held them spell-bound with his sonorous eloquence, his inexhaustible wit and his cutting satire. To the last his utterances were characterised by the same loftiness of style and force of reasoning, the same mastery of facts and clearness of exposition as he displayed in his prime. Besides, Mr. Chintamani's collection was not exhaustive. He had omitted some of his earlier speeches which are worth recording and which lie buried in ponderous files of old libraries or in the dusty blue-books in the archives of the Secretariat.

It was therefore in 1915—on the 22nd September to be exact—that I asked Sir Pherozeshah whether he would not like some one to collect and edit his later speeches and he forthwith saddled me with the task. I gladly took it up, relying on his own guidance and as for the materials, I was sure my friend

Mr. Sorabjee B. Munshi of the Bombay Presidency Association would be able to supply me with them. But hardly had the ink on the first page of my manuscript been dried, Sir Pherozeshah breathed his last amidst universal mourning and as ill-luck would have it, almost simultaneously Mr. Munshi was confined to bed with an incurable disease which proved fatal only a couple of months ago after the patient had suffered a prolonged and painful illness. These adverse circumstances almost persuaded me to leave the entrusted work to abler and more experienced hands than mine, for, to use Sir Pherozeshah's own words, I was "forsaken and desolate and felt almost alone in the stupendous work which was pending before me". But a little perseverence, acquired in the school of that great master himself, conquered the destructive forces of diffidence and dissuasion. Day after day and week after week I rummaged the old Bombay Times and Gazette files in the Royal Asiatic and Bombay Native General Libraries, and I may here tender my thanks to Mr. R. G. Gupte and Mr. R. M. Masani-Master, the respective Librarians for their uniform courtesy and the readiness with which they gave me access to those old newspapers. And I must not here forget Lady Aimai Mehta who supplied me with some of Sir Pherozeshah's papers and blue-books which were of immense value to my work.

I began with the year 1867 and ended with 1915 and wherever I could lay my hands on a speech or a writing of Sir Pherozeshah's that was of the slightest public interest, I took it down and compared the two reports of either journal to verify its accuracy, and by these means rectified many errors and omissions which would have crept in the book had I relied on one newspaper only. The Bombay Legislative Council Reports, the Records of Proceedings of the Bombay Corporation and its Standing Committee, the University Calendars, the Journals of the East India Association, the London "India," the Indian Statesman and in some cases even the files of the vernacular papers had to be turned over for the desired information.

I have not included in this volume any of the speeches or writings of Sir Pherozeshah's which have already appeared in Mr. Chintamani's book. These were scrupulously left out and I have only brought that volume up-to-date, embodying in this book almost all of his public utterances from the year 1905 to the year of his death and I have also included those of his pre-1905 utterances which were omitted in that book. The speeches, writings etc. have been arranged chronologically to preserve the sequence of events and an exhaustive analytical Index will also be found at the end of the book for ready reference.

My friend Mr. Chintamani informs me that he left out of his book the speeches Sir Pherozeshah delivered at the Bombay Corporation Meetings, as he was told by Sir Pherozeshah himself that they, being of local interest, need not be printed. But as I found that some of these were really of public interest, they have been included in this volume. Sir Pherozeshah's commanding personality, vast experience, sound judgment and forensic delivery so bore down every Corporator before him that it has been said that the mere flash of his eye had a wonderfully charming mesmeric effect on the members,—"an effect surpassing even stern autocracy's wildest dreams." These were words applied to Sir Pherozeshah's influence over Municipal Councillors and they were equally true with regard to his influence in the Legislative Council and the University Senate where his clear, sound, logical and convincing arguments always carried the non-official members with him and in some cases the officials also. And this fact indeed makes his speeches readable, instructive and interesting.

Though of little or no interest at the present day, I have still embodied in this volume some of Sir Pherozesha's newspaper controversies to give the public an idea how "just a slight jog from the finger of his logic would topple his adversary's arguments down." No correspondent indeed ever attempted to measure wordy strength with him without being worsted in the encounter.

I have tried in each instance to explain the circumstances under which the speeches introduced in this book were delivered and I hope after my explanation the speeches etc. would be quite comprehensible to the reader. I have also added foot-notes for further elucidation.

Some of the Addresses presented to public men in Bombay, Congratulatory and Condolence messages, etc. find place here as specimens of Sir Pherozeshah's penmanship.

In fine I may be allowed to entertain an earnest hope that this volume may prove of assistance to the public at large who ever looked up to that "Uncrowned King" for advice and guidance and sought protection from that valiant knight who, for more than a quarter of a century, fought heroically India's political battles and has now laid down his sword, alas!- for ever and for ever,- a sword which cannot be wielded by any other Indian of our times. His untiring zeal, his purity of purpose, his nobility of character, his proverbial moderation, his manifold self-sacrifices, his inflexibility of courage, his convincing logic, above all, his unflinching devotion to the British Crown,—all

these combined can scarcely be found in any son of India living to-day. We, of Bombay, who are the greatest sufferers, feel at this hour as if we are groping in the dark, without the guidance and without the co-operation of our " guide, philosopher and friend. " But Earth has no sorrow that Heaven cannot heal, the Sun breaks through the darkest clouds and from the lowest depths there is always a path to the loftiest heights, so let us not altogether close our account with Hope. Let us, one and all, Hindu or Mohammedan, Parsi or Christian, without distinction of caste, colour or creed, individually and collectively, work for our city and our country; let us, all combined, try to fill the great void caused by the passing away of our trusted leader and the spirit of Pherozeshah Mehta will doubly rejoice if we keep his good acts in memory by refreshing them with the performance of new patriotic deeds.

Our friend is now sleeping an everlasting sleep. He has played his part splendidly on the world's stage and has now retired to a region where he will find a high and an honored rank amongst the departed great ones of mankind; and may his revered memory ever inspire us to follow in the path of duty, of integrity, of righteousness!

J. R. B. JEEJEEBHOY.

Alice Buildings, Fort, Bombay.

10th October 1918.

INTRODUCTION.

It is some years since Mr. C. Y. Chintamani, well-known as Editor of the *Leader* newspaper of Allahabad, published in a well-bound volume most of the speeches of the late Sir Pherozeshah Mehta. The publication has proved useful to students of Indian politics and to Indian publicists. The present volume, edited by Mr. Jeejeebhoy, to which, at his request, I am writing this Introduction, contains some hitherto unpublished and later speeches and writings of Sir Pherozeshah, and, as such, it forms a supplement to Mr. Chintamani's valuable collection. The two publications together are well fitted to serve as instructive guides to those who wish to enter the growing public life, and take a useful and constructive part in the political activities of this country.

Sir Pherozeshah Mehta stood among the foremost of Indian orators; and it is no exaggerated estimate of his oratory to say that his skill and readiness as an effective debater gave him the first rank among the public speakers and controversialists of his time. But his speeches and writings deserve careful study, not so much for their eloquence of style and expression or debating power, as for the soundness of political principle and sagacity of political action which form their chief merit. Those speeches and writings were almost all on political subjects, which, as topics of discussion and controversy, covered the period of his forty-six years' career as a leader of Indian politics with that towering personality which distinguished him from other leaders of that period. Though in themselves those subjects, with the problems to which they gave rise for solution, were for the most part of contemporary interest, and the same subjects have since then assumed new phases and created new problems, the present and future generations will find in Sir Pherozeshah Mehta's speeches a school, so to say, for that intellectual and moral discipline, for the cultivation of that sound political habit of mind, which are essential in every public man, if he is to prove an effective voice in moulding the political destinies of India on wholesome lines in the days soon to dawn when public life and political leadership shall have to bear the burden of increased responsibility and stress of work.

It is a charge frequently brought by some critics of Indian public life that our political movements are engineered and led by lawyers. Sir

Pherozeshah Mehta was a lawyer himself. The study of law and the profession of it as a legal practitioner were fortified in his case by his literary attainments, especially by his study of constitutional history. His range of vision was, therefore, wider than that of the mere lawyer, who is apt to take a narrow view of human nature and deal with political problems without the aid of large and long views, which come of a wider outlook on life than the legal profession can impart. A careful reader of his speeches will learn, for instance, how studious he was in debate to bear down opposition by taking his stand on the technical forms and rules of procedure and precedents, when the resources of the power of reasoning and argument threatened to prove unavailing. This marked trait of his debating capacity cannot be discerned in its true perspective in his reported speeches, because the reports cannot sufficiently bring out that trait. But those who were eye-witnesses of the debates in which he took part and at which he made himself "formidable," as the expression went, can figure even now before their eyes Sir Pherozeshah disarming opposition, when it seemed all powerful, by springing upon it some rule of procedure or precedent, and turning the tide of debate in his favour. I saw him at his best in that respect in an important debate nearly 40 years ago in the Municipal Corporation of Bombay. It lasted several days, and the motion he had brought forward had to encounter tremendous opposition. It had become a sensational topic of the day in this City. He bore down the opposition at every step not only by his fiery eloquence, his close reasoning and careful marshalling of facts, but by prompt reference to the constitutional forms of debate which often nettled his adversaries. Some days after that debate had ended and he had lost his motion by a majority of one, I asked him how he had acquired that power of ready reference to constitutional forms and precedents. His reply was that he had begun his career as a legal practitioner and as a public man by a careful study of "State Trials," and of the History of the Constitution of England. It was that discipline in the earlier years of his political life which suggested to him the happy idea of holding a Convention immediately after the wreck of the Session of the Indian National Congress at Surat in 1907 and so saving what was a perplexing situation.

Lord Morley quoting from Burke remarks in his "Recollections" that no politician can create a situation; his skill rests in well playing the game dealt to him by fortune and following with fibre the indications given him by nature, times, and circumstances. Sir Pherozeshah is a striking illustration of that political truth. His speeches best attest how he directed his public career on the lines of

sane expediency and liberal opportunism. He used often to say that he was not an idealist and that he hated the word "ideals." Speaking to me once on Lord Morley's book on "Compromise," he repeated that remark about his scorn of "ideals" and said that life was after all a matter of compromises and expediencies. I referred to a speech of his in the Imperial Legislative Council on the question of temperance, in which he had eulogised temperance reformers whom their opponents characterised as "impossible idealists" and "impracticable visionaries." I also referred to a speech of his at the sitting of the Indian National Congress in Allahabad in 1888 on the Arms Act and the right of Indians to be freely admitted into the Army and its commissioned ranks. I asked him: "Do not those two speeches make you out an idealist?" He smiled. The fact was that Sir Pherozeshah was much more of the emotional than the dry intellectual man and it is emotion that makes the idealist. But in Sir Pherozeshah's case, his emotional temperament was controlled by the sagacity of practical statesmanship. He was idealistic enough never to lose his faith in and hope for progress. In one of his speeches, which will be found in this volume, he said he was an optimist like the late Mr. Justice Ranade. From several of his speeches we gather that he held to the conviction that when all seemed going wrong in politics, it must come round right in the end if politicians persevered and lost no heart. Of this his speeches on the mission of British rule in India afford clear proofs. Holding fast to the faith that that mission was to enable India to stand on her own legs, he never lost heart because of reactionary periods in the history of the rule, which for the moment seemed to betoken a departure from that mission. Such reactionary periods, he thought and said, should not disappoint us and sour our minds, because the history and the genius of England had this lesson writ large on their face that reactionary periods and policies came only to be followed by forward movements and more liberal policies, provided we Indians were true to ourselves by proving true and loyal to the genuine and tried principles and practice of British administration. And what, according to Sir Pherozeshah, (as we see him now in his speeches) were those principles and that practice? Holding "that the maintenance of British supremacy was the most important condition of progress in this country at present, when founded in righteousness and justice as well as in strength" and "that the maintenance of such British supremacy is one of the most essential and important things for this country as far as human eyes could dip into the future for the present," (see page 30 *infra*), he declared that the reforms Indians asked for were "necessary and essential for securing the stability and permanency of the rule" through the free and loyal co-operation

of Indians with that rule. And as to reactionary periods and laws, hindering those reforms, he as strongly maintained: "I consider these trials to be a source of discipline through which every nation and every country must pass in their onward course towards progress and liberty.....Unfortunately for the last two years the British Parliament and the British nation have been seized with what I might call an attack of 'imperial influenza.' We are passing through a period in which sympathetic and righteous principles are, I do not say abandoned, but held in suspense." Again: "With his usual caution Lord Morley has remarked that the Parliamentary system in India was a goal to which he did not aspire. I venture to think that this might have been left unsaid, considering the upheaval throughout the whole of Asia. When Persia and China talk about representative Government and Parliaments, one does not care to set any particular seal of impotence on India. But I have always been against looking too far ahead. I have for a long time deprecated the fashion of talking of ideals. In India, at any rate at present, let our aims and goals be practical, looking forward to the near future, without troubling ourselves as to what may be the ultimate goal." (Page 208, *infra*).

This was said in December, 1908; within nine years of the utterance, "the ultimate goal" has become a settled fact of the more or less "near future." The British Parliament, by its historic announcement of August 20, 1917, has solemnly avowed the progressive realisation of full responsible Government within the British Empire as the final goal of India. This sudden change has indeed been brought about by the new angle of vision as the immediate cause due to the transforming spirit of the War, which has embodied itself in such declarations as those of Mr. Lloyd George that the War is at bottom a struggle for responsible or popular Government, of Mr. Balfour "that there is only one form of Government whatever it may be called, *viz.*, where the ultimate control is in the hands of the people," and of General Smuts, who has said that the Colonials joined England in this War because of the principles of freedom and democracy. But India has shared in the transforming spirit because she was prepared for it by, among other agencies, long years of steady and strenuous toil on the part of such leaders as Sir Pherozeshah Mehta. They sowed where the present generation is able to reap and sow on the new soil.

A people's progress is due to two classes representing its reforming spirit, its poets, meaning its visionaries, and its police, meaning its Government. The former stand for the ideal future and strive as if it can and should be

realised in the immediate present. The strength and virtue of their dream lies in the psychological fact that by continually harping upon their ideal and making it a catchword, familiar even to the average man, they create public sentiment, what psychologists call "the will to believe and power," so necessary for national progress. In the words of John Stuart Mill's Representative Government, to kindle a desire for such government is a necessary part of the preparation for it. This service the visionaries of a country render to its political progress; hence their value to their country, but their weakness is that by losing sight of all limitations and actual conditions, they are apt to indulge in reveries and excesses and so harm the cause, as did the Revolutionaries in France, and the Puritans in England, and as the Bolsheviks are now doing in Rùssia. On the other hand, the police, meaning the Government, standing for peace, order, and stability, represent the conservative force of the country and are apt to go to the other extreme and strive to keep things and vested interests, as they are. Between these two forces must stand the statesman to reconcile their respective virtues and tone down their respective weaknesses, by seeing the vision of full responsible government with a steady eye and controlling it, so that it may not haste and waste itself, by his firm hold on the limitations and requirements of the present. This power of genuine statesmanship constitutes the true political habit of mind, which consists, according to Lord Morley (see his "Recollections" Vol. I p. 388), in a fine perception of necessities, and practical limitations, a due allowance for antecedent inveterate circumstances, and a consciousness of responsibility for showing a way out of difficulties. That formed the temper of Sir Pherozeshah's statesmanship. Bold, never whining, he stood midway between the visionary and the reactionary, and by his commanding figure, eloquence, and character, contributed to the present stage in the progressive development of responsible government within the British Empire which we now are privileged to witness as the fruition of the patriotic work of such leader as Sir Pherozeshah. His speeches are, therefore, valuable and their study may with all confidence be commended to those who desire to share in the growing political life of India and to make solid and healthy contribution to her promising future under the British Crown.

N. G. CHANDAVARKAR.

Pedder Road, Cumballa Hill,
Bombay,
October 5, 1918.

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it was framed by the Convention itself to fix the character of the organisation to be constituted and the Allahabad Committee had no power to dispense with or modify or alter it. It is futile and unmanly to whine over the paucity of members that met at Allahabad and the character of the voting. There was a full and animated discussion and not a word could be reasonably said against the validity or binding character of the proceedings which were conducted with propriety and regularity.

(2.) *Then comes the question of the Four Resolutions.*—You will pardon me if I use strong language in dealing with it. I cannot conceive anything more monstrous and impudent than the demand in that behâlf. It was made before the Congress met at Surat and is trotted out again now. To any one conversant with the ins and outs of the matter it is perfectly clear that it is a disingenuous device "to save their faces," *i.e.*, to say to cover their discomfitured retreat from the personal question as to the appointment of a President which was attempted to be rushed through at Nagpore which was believed to be a favourable stronghold for their purposes. The least examination of the demand betrays its disingenuous character. Is it not an attempt to stay the Subject Committee and the full Congress from discussing and deliberating on every subject that may be regularly brought before it and deciding it according to its judgment and conscience? What is the object in demanding that the Four Calcutta Resolutions must be adopted? Why is anybody to be bound to do so, if his conscientious convictions are not in favour of any part of them? If, as is alleged, there is a majority in their favour, surely that majority can carry them both through the Subject Committee and the Congress, and any agreement to adopt them is needless. If there is not a majority in favour of altering or modifying them, such an agreement as is demanded is a monstrous attempt to impose the will of the minority on the majority. Can any fair and reasonable man fail to make out the real character and meaning of a demand of this sort, made, be it remembered, both before and after the Session at Surat?

(3.) *I now come to the plea of a United Congress.*—I cannot help saying that there is a great deal of mawkish sentimentality in the passionate appeals for union at all cost. For my part, I think it is most desirable that each sets of distinct convictions should have their separate Congress. To jumble them up in one body confuses the real understanding of the extent to which opinion really tends in one direction or another, and it is not possible to make out what are the dimensions of the cleavage of difference of opinion existing on any particular question. It is therefore desirable that sections holding nearly the same opinions and principles should organise themselves into bodies where they can expound them and lay them before the public in a clear and consistent form. The public could then have the issues clearly before them and their deliberate judgment can declare itself by the growing favour it may accord to any particular association. For God's sake let us have done with all manner of shoddy whine about unity where there is really none. Let each consistent body of views and principles have its own Congress in an honest and

straightforward way and let God, *i.e.*, truth and wisdom judge between us all. I have written this letter in great haste so that it may reach you in time. Imperfectly as I have been obliged to express myself, the views which I have tried to set forth are views which I have formed after careful consideration.

Believe me,

My dear Bhupendranath,

Yours Very Sincerely,

PHEROZESHAH M. MEHTA.

LORD MORLEY'S REFORMS.

EXPANSION OF COUNCILS, ETC.

A representative of the Times of India interviewed the Hon. Sir Pherozeshah Mehta on 18th December 1908, on the new Reform Scheme of Lord Morley re Expansion of Councils, etc.

"I am more than pleased. I think it is a very genuine effort." These were the Hon. Sir Pherozeshah's first words when asked by the interviewer to give his opinion about the new Reform Scheme.

Sir Pherozeshah thought Lord Morley dealt with the question of Reforms in a most statesmanlike manner. The statement, he said, bears out what I have always contended, namely, that any substantial step in reforming the constitutional machinery, can only and will only come from the Liberals. As England is governed on the party system our hopes are through theparty system, and I have always held that it is only through the Liberal party that we can ultimately secure any liberal advance. And that contention of mine is fulfilled by what has taken place. I find it difficult to conceive that any Conservative Government could have designed a scheme of so liberal and genuine a character as that which is contained in this Despatch.

The Reforms now proposed are really of a substantial character. The enlargement of the local Provincial Councils is certainly a long step, but I feel convinced it will be justified by the results. And it will succeed in doing what Lord Morley anticipates—bring the people into close touch with the everyday administration.

My only difficulty about the process of election which it is proposed to institute is in regard to the Electoral Colleges by which it is suggested that the elections may be carried out. That process is sure to fail with regard to the smaller minorities, but, after all, it is only as a suggestion that the scheme of Electoral College is put forward and I have no doubt that each Presidency will be allowed free scope to deal with the matter as its own particular circumstances may require it to do. In our representation to the Government of India we contended that whatever the electoral bodies might be they should be free to elect whomever they liked. The proposal

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Some Unpublished & Later Speeches & Writings

OF

The Hon. Sir PHEROZESHAH M. MEHTA,

M. A., LL. D., K. C. I. E.,

Bar.-at-Law.

EAST INDIA ASSOCIATION.

NATIVES IN THE EXECUTIVE COUNCIL.

Under the auspices of the London East India Association Major Evans Bell read at London on 4th February 1868, General Sir E. Green, K. C. B. presiding, a Paper entitled "Claims of the Natives of India to a share in the Executive Government of their Country." Major Bell having finished, Sir Henry Ricketts moved "that the Paper be not printed" in the Association Journal. He thought that it contained a very severe attack upon Sir Bartle Frere and impugned his discretion, his penetration and his fairness. Mr. Chisolm Anstey seconded the motion. Mr. Dent moved as an amendment "that the Paper be referred to the managing committee of the Association to take into consideration the propriety of printing and circulating it." Mr. Dadabhai Naoroji objected to personal instances being brought forward in a Paper in that manner and said that they did not come prepared for any specific case of abuse of patronage of the Government, or of injustice. He, however, thought that it was not fair on the part of those who regarded the question from a different point of view, to endeavour to prevent the printing of it and therefore supported Mr. Dent's amendment.

Mr. Pherozeshah Mehta did not agree with the dictum of Mr. Dadabhai Naoroji as to the introduction of special cases in illustration of an argument. He did not consider it was unjust to an audience that such cases should be introduced, without having given previous notice of them. The writer of the Paper laid the facts before the meeting, not asking the meeting to come to a conclusion immediately upon those facts, but leaving it to the meeting to go into the facts for themselves; though in his opinion no personal attacks ought to be made, he considered that it was necessary to bring forward special cases to illustrate arguments, otherwise it would be said vague charges had been brought forward against the administration without foundation. The meeting ought not to confound criticism upon official conduct with personal attacks. Major Bell's Paper, in his opinion, did not contain a word of personal attack upon anybody whatever. He had only referred to certain facts recorded in the Blue Book, and had formed his judgment upon them. That Blue Book was a public book open to everybody. If such reference to cases and such comments upon them were to be called personal attacks, there could be no criticism whatever upon official conduct.

The amendment being carried, Mr. Dadabhai Naoroji opened discussion on the Paper just read before the Meeting.

Mr. Pherozeshah Mehta said that it being agreed on all hands that there was a necessity for some improvement in the constitution of the Executive Councils of India, representing as they did English feelings, English opinions, and English ideas, and not representing native ideas, the question was, what was the best way of remedying the existing evil? He did not approve of the proposition of Mr. Bonnerjee* that natives who have not passed through the Civil Service should be eligible; he thought the door of admission of natives into the Executive Council should be the Civil Service. Though the Uncovenanted Service contained men of as great ability as those in the Civil Service, and who would do honour to any Government or State, yet the Civil Service gave a test of ability, there being no such test in the Uncovenanted Service. He preferred appointments from the Civil Service to the system of patronage.

[*This Paper ultimately appeared in the Journal of the East India Association.*]

DADABHAI NAOROJI.

AN APPRECIATION.

One of the very first public events in which young Mr. Pherozeshah, who had returned from England in 1868, took an active part, was the movement set on foot to recognise in some tangible form the valuable public services of Mr. Dadabhai Naoroji then extending over a quarter of a century. When Mr. Pherozeshah was studying at the Inns in England, his career was shaped by Mr. Dadabhai whose "sage counsel and inspiration had formed his character and elevated his ideals,"—ideals to which Mr. Pherozeshah had all along striven to adhere to steadfastly and with an unflinching heart. The following letter, therefore, from the pen of Mr. Pherozeshah which appeared in the Bombay Gazette of 22nd January 1869, will be read with interest even at the present day.

PROFESSOR DADABHAI NAOROJI.

TO THE EDITOR OF THE BOMBAY GAZETTE.

I heartily endorse the suggestion made in your columns to-day by "C. H. M." and I earnestly hope that Dr. Bhau Daji † will soon give us an opportunity of publicly expressing our grateful appreciation of the many eminent services which Professor Dadabhai Naoroji has rendered to the cause of Indian regeneration in a career now extending to nearly more than a quarter of a century. It is really a matter of surprise to me that we should be so slow in offering a cordial welcome on his return, ‡ to a man who has devoted himself heart and soul at no small personal sacrifice to a life of labour in the cause of his countrymen of all classes and creeds. I can personally testify to the high esteem and regard in which Professor Dadabhai is held and the

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* Mr. W. C. Bonnerjee.

† The then Sheriff of Bombay.

‡ From England.

value set upon his assistance and advice by not a few of the leading Indian Officials "at home". Indeed if I were called upon to point out the man most deserving to be styled the Sir Philip Sydney of the Indian Renaissance, I would unhesitatingly single out Professor Dadabhai, and that after a close and intimate personal knowledge of and intercourse with him. In his characteristic simplicity and unostentatiousness he may forget himself in *rendering* services; let us not forget him in acknowledging them.

Yours etc.,

PHEROZESHAH M. MEHTA.

21st January.

[*At a Public Meeting of the citizens of Bombay held on 26th July 1869, Mr. Dadabhai was presented with a handsome purse of Rs. 25,000.*]

INFANT MARRIAGES AMONGST PARSIS.

The following article on "Parsi Child Marriages" was contributed some years ago—unfortunately the date cannot be ascertained—by Mr. Pherozeshah Mehta to the columns of the INDIAN STATESMAN.

Certain recent occurrences in the Parsi community have led to a good deal of agitation amongst them, we are told, as to whether *infant* marriages are valid or not under the Parsi Matrimonial Code—The Parsi Marriage and Divorce Act, 1865. The hesitating policy adopted by the Legislature in dealing with this subject has, it would seem, left it open to be attacked by arguments which may support either view of the case. When the Parsi community first broached the subject of special legislation for themselves, they were anxious to retain a practice, which, though not indigenous to the race but borrowed from their Hindoo neighbours—prevailed among them universally. A supplement to the Draft Code, prepared by the Managing Committee of the Parsi Law Association, accordingly contained clauses sanctioning infant marriages and betrothals, and providing civil and criminal penalties for the violation. The European members of the Law Commission, to whom this supplemental Draft Code was submitted, emphatically protested against the recognition of such marriages, as in no way sanctioned by Zoroastrian Scripture, or ancient Zoroastrian usage, and as hostile to the progress of the community in civilisation and morality. They declared themselves unable however to suggest any explicit legislative prohibition of such marriages, but merely recommended that the provisions in the supplemental Draft Code should be omitted. Their views were approved by the local Government as consonant with good policy and common sense, and were supposed to be incorporated in the Bill, which was brought in soon after, by the Hon. Mr. Anderson, to declare the matrimonial law of the Parsis. But it seems that while the Bill was passing through Committee, doubts were suggested as to the efficacy of this tacit course. To make it therefore more clear that the Legislature did not approve of such contracts, Mr. Anderson, at the last reading of the Bill, introduced a new clause, section 37 of the Act, running as follows:—

"Notwithstanding anything hereinbefore contained, no suit shall be brought in any Court to enforce any marriage between Parsis or any contract connected with or arising out of any such marriage, if, *at the date of the institution of the suit*, the husband shall not have completed the age of fourteen years."

Now strangely enough, this elucidatory clause, instead of accomplishing the intention of its framers, has been instrumental in propagating a belief in the validity of infant marriages, and to such an extent that in practice, we are told, no doubt is entertained about it, and scores of infant marriages and marriage-settlements are founded upon it. This unfortunate result was achieved by embodying in clause 37 a provision which has nothing to do with the validity or invalidity of such marriages. Instead of enacting—what we would naturally expect it to enact, after the clear avowal of the object for which it was proposed—instead of enacting that infant marriages were condemned by the Act, or at least that they were not sanctioned though not expressly condemned, the clause simply provides that the duties and obligations arising out of the marital tie, shall not be enforceable till the husband is 16 and the wife 14 years old. The clause, it will be seen, does not enunciate a principle, but simply postpones a remedy. A rough popular inference was at once drawn from this, that if the clause which was designed to condemn such marriages did not do so, no other clause could. It was also not unnaturally concluded, that all that the Legislature meant, by its talk about the invalidity of infant marriages, went only to the extent of not recognizing them till the parties thereto had arrived at a certain age.

This view of the case is further supposed to be strengthened by Sec. 3 of the Act, which it is contended, lays down only three grounds of invalidity, none of which includes infancy. A careful perusal of the Act compels us however, to arrive at the opinion that it does not render infant marriages valid, but that such marriages are absolutely null and void under it. False security on a subject of so much importance is fraught with such grave consequences, that it is very necessary we should state the grounds and reasons of our belief, so that if untenable and fallacious they may be refuted, or if well founded their public acknowledgment may prevent further mischief. It is perfectly true that Sec. 37 is inoperative for the purpose for which it was framed. It certainly does not condemn infant marriages; it simply postpones and defines the time when they can be enforced. It is also true that Sec. 3 provides only three grounds of invalidity, and that infancy is not one of them; but when it is contended that these are the only grounds of invalidity under the Act, that is going beyond what the language of the section warrants.

PARSI—MOHAMMEDAN RIOTS, 1874.

MR. PHEROZESHAH'S EXPERIENCE.

About the end of 1873, Mr. R. H. Jalbhoy, a Parsi vaccinator, published a Gujrati book wherein some followers of Islam professed to discover an insulting allusion to their Prophet. The Police being informed of the publication of the alleged libel, the book was

immediately suppressed and the author thereof expressed his regret and apologised for any offence he might have inadvertently committed. But this did not satisfy the Mohammedans and they rose in open revolt against the Parsis on the 13th February 1874. They entered Zoroastrian places of worship, tore up prayer-books, extinguished sacred fires and the holy buildings were subjected to various other indignities. Parsi families were also molested and free fights took place between the members of the two Communities many lives being lost thereby. The Police did not appear on the scene though warned beforehand of the impending trouble and refrained, later on, from calling the military when they saw that they were unable to cope with the rioters. Mr. Pherozeshah, who drove out to the scene of the riots with a couple of friends, whilst narrating his experience of the disturbance in the following letter, severely takes the Government and the Police to task for their weakness and vacillation in quelling the excited mob.*

The letter runs as follows :—

To,

THE EDITOR,—THE BOMBAY GAZETTE.

SIR,

The Parsee Community owes you the grateful appreciation due to a generous foe for the bold and outspoken language in which you have not hesitated to characterize the utter incapacity and culpable negligence betrayed by the police with regard to yesterday's riots. But if explanation is requisite from the head of the police for weakly giving in to the preposterous demand of the cunning Moulvie, for the suppression of a book in which not one out of a thousand of the rioters could have possibly come across those random remarks about their precious Prophet, which have been tried to be made so much of, unless designing persons chose to exert themselves for that purpose; if explanation is requisite for the shameful inaction into which he allowed himself to be deceived by hollow assurances; if explanation is needed for the want of readiness exhibited by the police, in not coming up on the scene of the riots hours after the most transparent indications of what was going to happen, and even after the riots had actually commenced—shall we still await explanation before denouncing in merited terms their disgraceful failure of to-day in dealing with the dastardly ruffians, whose courage is only in numbers, and then only attacking old men, women, and children taken unawares and found scattered only here and there amongst the most densely crowded Mussulman quarters? On returning last night from Surat, I was loathe to believe the accounts that were brought me of the riots, and debited a good deal to the score of frightened exaggeration. At any rate I gave full credence to the assurances contained in the reports of your contemporaries that the police were now on the alert and had been successful in restoring tranquility. Desirous of ascertaining, however, with my own eyes, the true state of matters, and finding all sorts of rumours rife in the town about fresh disturbances, I drove out in a *buggy* with a couple of friends,* abou half-past four in the afternoon. Passing through Khetwady, we found considerable agitation among the Parsees there, and, on enquiring, learnt that from five

*Mr. J.N. Tata, the great pioneer of Indian industries and Mr. C.M. Cursetjee who afterwards became a Judge of the Small Causes Court, Bombay.

to six hundred rioters had rushed in there five or six times, with the view of sacking a fire-temple (*agiary*) there, and that, though they had been repulsed till then, fresh attacks were expected. Somewhat incredulous, we drove on towards Null Bazaar, where our doubts were but too quickly dissipated. We had not advanced about twenty yards, before our *buggy* was surrounded by the rioters hooting and yelling at us, as if the very sight of a Parsee was a sort of red flag to them, and we were assailed with a perfect storm of missiles, amongst which stones and broken bricks were the most conspicuous. Trying to push on as if unmindful of this somewhat warm reception, we had not proceeded a few yards more, before the greeting became so hot that we were compelled to bring out a gun and two revolvers which we had taken care to provide ourselves with before starting. The effect was electric; like the veriest dastards that they really were, the very sight of the fire-arms sent them flying in all directions, clearly proving to us that only a bold front and a firm hand were required to quell this beggarly rabble and scum of the Mohammedan population. But, as we could not always stay there presenting arms we moved on, and at us the fellows were again, sometimes varying the hooting with hisses and substituting softer rubbish for bricks and bats. A *sowar* and a few policemen then rushed up to the spot, to whom one of my friends with considerable daring got down to point out some of the rioters, but with no better success than eliciting almost ludicrous expressions of helplessness. At length a European Constable rode up and plainly declared to us that the police were utterly unable to protect us. As it was impossible to return the same way, we had to push on for Bhendy Bazaar, which was like falling from the pot into the frying-pan. The whole place literally swarmed with these riotous beggars, and as we passed the *Musjid* there at a slow pace—for we were unable to move faster—the scoundrels were perfectly furious at us. I wonder what the Governor* thought of it all, as he had passed along the same road only half-an-hour before us. I daresay that as none but Parsees are molested, His Excellency had some suspicion in his mind whether it was not some popular demonstration in his favour, and whether the whole Mussulman population had not turned out to prove to him how the British Government was respected and feared. But in right earnest, Sir, it is a disgrace to the Police and the Government, that with the resources at their command, they should have allowed the very seat of Government, the metropolitan town of the Presidency, to be made the scene of such lawless turbulence day after day. Instead of shilly-shallying as they are doing, why is not the military ordered out to patrol and clear the streets of the rabble without delay or hesitation? The head † of the Police has shown himself utterly incapable of coping with the emergency in spite of his so much vaunted personal daring and noble horsemanship which may make a good soldier, but certainly not a commander. The weakness and vacillation of Mr. Souter are, it must be said, solely responsible for the continuation of the riots, for we do not hesitate utterly to disbelieve the scandal that his inactivity is owing to his thirst for vengeance on the Parsee Community for their triumph over him in the Towers of Silence case, and that he

* Sir Philip Wodehouse.

† Sir (then Mr.) Frank Souter

had therefore played into the hands of some of his designing Mussulman friends,—for he would be halting (sic.) then his vengeance with a vengeance—destroying at the same time his own honour and reputation. The Government must take the matter into their own hands and employ the military actively to quell this turbulent rout. For mind, Sir, show signs of fear and weakness to these fanatical canaille, it is our turn to-day and will be yours to-morrow. But show firmness and deal with them with the strong hand, they will shrink back cowering. I have seen the military called out on occasions, far less grave than this. You must remember, Sir, during the late Reform debates, how the "Home" Government thought itself justified in putting down the Hyde Park Riots with the assistance of the Hussars and other troops. Let our Government also take such decided action, otherwise the town will continue in a state of alarm all through the *Mohurrum*. I trust, Sir, also, that Government will have firmness enough to prohibit all *taboot* processions this year, otherwise more serious consequences than have hitherto happened may fairly be dreaded. The Parsees have been yet quiet and unresisting, but now excitement is gathering to a head amongst them, and it may be discovered too late that the old spark is not quite extinct among them, flashing resentment back for wrong, and daring the issue in defence of their hearths and homes.

Bombay, 14th Feb. P. M. M.

PARSI-MOHAMMEDAN RIOTS, 1874.

PROTEST MEETING.

During the Parsi-Mohammedan Riots of 1874, the Parsis were subjected to ill-treatment both by the Government and the Police. Sir Philip Wodehouse, the Governor of Bombay delayed in calling the Military in time and said to a Deputation which waited on him—"You Parsis ought to learn the lesson of defending yourselves and not depend wholly on Government," and the Police Commissioner, Mr. Frank Souter, addressing a Parsi crowd, spoke as follows.—"Damn you Parsis, you have provoked the row. I would like to see all Parsis killed. I will remove the Police force and will not help you." A Public Meeting of the Parsis was held on 12th April 1874 to approve of the Petition, then ready, to be sent to the Marquis of Salisbury, the Secretary of State for India, protesting against the conduct of the Police and the Government. In seconding the Resolution, proposed by Mr. Byramjee Jeejeebhoy, that the Petition be adopted, Mr. Pherozeshah spoke as follows.

Gentlemen,—I support the Resolution right heartily. Any other gentleman more experienced and abler than myself would have, in my opinion, done justice to the subject, but since the task has been entrusted to me, I promise to do my best. The advantages which the Parsis enjoy under the benign British Government could not possibly have been greater even under their own Government. (Cheers.) All the varied subjects of Her Gracious Majesty the Queen know very well that they live in perfect peace and safety under her Dominion; and the native of this country has been taught to believe that the peculiar beauty of the British Constitution is that the

humblest subject is allowed to lay his grievances right at the foot of the Throne if he does it in a proper and constitutional manner. Had it not been for this splendid Constitution of the State, this Meeting could not have succeeded in laying its complaints before the proper quarters. The Parsis are therefore quite justified in the step they have taken in preparing this Memorial in order to seek redress for the suffering to which they have been subjected. It would not look well to complain frequently of slight grievances but the proceedings of this Meeting will show that, if necessary, we can carry our complaint, not only as far as England, but, as we all know, right before the feet of our beloved Queen. The representation should be grave but firm, effective but polite. We have not met to-day only to complain about the Mussulman raids, not only to complain of ill-treatment from a set of fellow-subjects, but to complain of the injustice done to us by the Police and by the Government even after injuring us in the extreme. It was not only that Parsi houses had been devastated and Parsi Fire Temples defiled; not only were we afforded by the Government no consolation whatever for the unheard-of wrongs that had been inflicted on us, but when a voice was raised all over India regarding the incapacity of the Government and the Police to afford the Parsis protection to repress disorder, the Government accused the Parsis without the least reason. In trying to raise a defence for themselves, they levelled unjust accusations against us,—accusations which were wholly unfounded and inapplicable. Finding themselves in the wrong, the Government of Bombay, as I have just said, tried to throw the whole blame on the Parsis whose bounden duty now is to free themselves and the noble name of their ancestors from the stigma which the authorities have tried to cast on them. The necessity is also imposed upon us by the declaration made by His Excellency the Governor to the following effect in his speech to the Parsi Deputation—"You Parsis are few in number and if you do not make peace with the Mohammedans, take care, as you are few, you may be slaughtered some day by the Mohammedans." (Cries of 'Shame, Shame'). Sentiments like these, coming from the representative of Her Majesty the Queen, caused astonishment and regret wherever they were heard. I have no doubt that Her Majesty herself would, on hearing them, say—*Although the Parsis are few, they are our most loyal subjects and they would be protected by all means.* (Applause.) Not only this, Gentlemen, but the Government of Bombay have written something in their despatch to England which requires explanation or even contradiction. The Parsi Community, though small in number, has a great name and it will not do to lose that great name, though according to Mr. Souter, the Parsi race was to be extinct if reconciliation did not take place with the Mussulmans. (Loud cries of "Shame"). I have no doubt, Gentlemen, that the redress which we ask for would be afforded us—for the English Government and Her Majesty herself know that the Parsis are a most loyal and a law-abiding people. I am quite sure, Gentlemen, that justice will be done to us if justice we deserve. (Loud and continued applause.)

The Resolution was carried unanimously.

Mr. J. M. MACLEAN* AND THE BOMBAY CORPORATION.

At the Meeting of the Bombay Municipal Corporation held on 12th September 1874 Mr. Raghunath N. Khote proposed and Mr. Nanabhoy B. Jeejeebhoy seconded that Mr. Muncherjee N. Banajee be elected a member of the Town Council in the place of Mr. Narayan Vasudev, deceased. The Hon. Rao Saheb V. N. Mandlik proposed, being seconded by the Hon. Mr. Rogay, the election of Mr. Kahandas Mancharam. After some discussion Mr. Pherozeshah spoke as follows.

As the Chairman has decided that the Rao Saheb's Proposition is now before the meeting as a substantive Proposition to which any amendment can be moved, I now beg to lay before you for election to the Town Council in the place of the late Mr. Narayan Vasudev, the name of a gentleman who, I feel confident, will be admitted on all hands to be more than qualified to fill the post with credit to himself and honour to the Corporation. I propose the name of our well-known member Mr. Maclean. (Cheers) I am sure that every one present will concur with me when I say that Mr. Maclean has been eminently distinguished for the able, active and most intelligent part he has taken in the municipal administration of this town. A great many of the members will remember that he was not only partially but considerably instrumental, by his incessantly active exertions, in bringing about the late reform of our municipal policy and indeed in bringing about the establishment of this very Corporation and the present Town Council. (Applause) I go with Mr. Oliphant in thinking that it is desirable that something should be said about the eligibility of members proposed, though I would not go the length of requiring a complete list of all their merits and qualifications. In the case of the gentleman I have proposed, I do not think, however, that it is necessary for me to take up the time of the meeting by going through any such enumeration whatever. His merits and abilities are so thoroughly well-known and appreciated that it is now enough for me to propose that Mr. Maclean be elected to fill up the vacancy in the Town Council caused by the death of the late Mr. Narayan Vasudev.

Mr. Pherozesha's proposition was carried by 27 votes against 5.

* * * * *

At the Meeting of the Bombay Corporation held on 3rd May 1906 the Hon. Sir Pherozeshah moved a Vote of Condolence to the family of Mr. J. M. Maclean who had recently passed away in England. He said:—

Mr. President,—It is with a feeling of deep regret that I move this Proposition to express our great sorrow at the death of an eminent citizen who was so conspicuously associated with the Municipality of Bombay. The late Mr. Maclean, in the early sixties took a very active part, along with the most highly public-spirited men of the time—both European and native, in laying the foundation of the present Municipal

* The Editor of the Bombay Gazette (1859-79). He represented Oldham (1885-92) and Cardiff (1895-1900) in the House of Commons and as a Member of Parliament took an active interest in the affairs of India.

Government of this city. Mr. Maclean was a member of the old Bench of Justices in whom were vested the powers of the Municipal administration. He took a very active and able part in the agitation that laid the foundation of the present system of the Municipal Government under the Act of 1872. He worked in a spirit of great cordiality and candour for the welfare of the city, and in the reform movement which arose during the *régime* of the late Mr. Arthur Crawford he took a very leading part. He held distinct political views which were not favourable to the natives, but that did not preclude him from taking a part in measures designed for the welfare and development of the city. Let me give you one instance of the cordiality that prevailed at the time. There were two candidates for a seat in the Town Council rendered vacant by the sad death of the late Mr. Narayan Vasudev. The merits of both the candidates could not be denied as both were useful and popular members. They were no other than the late Mr. M. N. Banajee and Viswanath Mandlik.* It was difficult for us to make up our mind for which of our friends we should vote. A way out of the difficulty was found by proposing Mr. Maclean for the seat and the proposal was found acceptable to all. On another occasion Mr. Maclean was defeated by only one vote when Mr. Macdonald of James Forbes and Company, took exception to it on the ground that his vote was not counted. The votes were therefore recounted and the circumstances were found as Mr. Macdonald had related and Mr. Maclean was declared successful.

Mr. President, we all know that though opposed to us politically, Mr. Maclean was a very straightforward and strenuous worker in the interests of this city. He was a man of great integrity and independence, always acting in the cause of civic interests, so that it is now difficult for us to forget his manifold and varied services. He was an eminent journalist and wielded his pen to further the advancement of this city by his powerful advocacy of reformatory measures through the medium of his paper. In those days very able men were at the head of two great papers of Bombay all of whom took an active interest in Municipal matters,—Curwen, Geary, Knight, Martin Wood and others. Fortunately they were in a position to make responsible criticisms. When Mr. Maclean took one side, Mr. Geary and Mr. Curwen espoused the other, and we must admit that the result of the fighting was that the public spirit was maintained to a very high pitch. I do not mean to say that there are not such men at the present time but I wish there were more such men. Mr. Maclean was a stalwart and we need many such stalwarts to conduct the Municipal government of this city. I for one will never forget the valuable services which he had rendered us in the seventies. He was for fifteen years a member of the Corporation and that of the Town Council for four years having been a Chairman of the latter body for eleven months. He was not our first President as is the general idea. That honour belonged to Mr. Forbes who also took a prominent part in the Reform moment and was in fact the leader of that movement. It is now our duty to recognise the great services of

* The contest was between Mr. Banajee and Mr. Kahandas Mancharam and not Mr. Mandlik as stated by Sir Pherozeshah.

Mr. Maclean rendered ungrudgingly to this city. After retiring from Bombay Mr. Maclean took a very active part in English politics and it was a matter of great satisfactions for us to see that his knowledge and his experience of affairs acquired in this city, made him take a large-hearted, liberal and sympathetic view in matters relating to politics. The same spirit which animated him in the civic affairs of Bombay and the same liberality and breadth of views which were conspicuous in questions relating to the welfare of the city, were latterly applied by him in England to higher questions of Indian politics which in days gone by he was inclined to oppose. The death of such a liberal-minded Englishman who passed the best of his life in this City for the progress and advancement of which his labours were directed, is a loss which we all sorely deplore and which cannot be easily forgotten by the grateful citizens of Bombay.

The Proposition was carried unanimously.

BOMBAY MUNICIPAL CORPORATION.

NATIVE GENTLEMEN AS CHAIRMEN.

At the Meeting of the Bombay Municipal Corporation held on 4th September 1875, Col. H. F. Hancock proposed Mr. Dossabhoy Framjee as the Chairman of the Corporation. In doing so he said that looking to the approaching visit of H. R. H. the Prince of Wales and to the then peaceable state of party politics, it would be a peculiarly opportune occasion on which to propose a native gentleman on the Chair. Mr. Arbuthnot seconded the Proposition. Mr. J. M. Maclean, while admitting the merits of Mr. Dossabhoy, protested against his election on the ground that the time had not yet come when any gentleman could preside with advantage over such an assembly as that Corporation. A native, he argued, could not separate himself, as a European would do, from the parties into which the native members of the Corporation were broken up and therefore could not perform the duties of chairman with the vigour and impartiality that would be displayed by a European. Mr. Pherozeshah Mehta thereupon spoke as follows.

In the same impersonal spirit in which Mr. Maclean has deemed it proper to enter his protest against the appointment of a native gentleman to the Chairmanship of this Corporation, as a matter of principle, I may be allowed, Sir, also to enter a protest against the protest on the very same ground. I do trust, Sir, that in this Corporation we shall firmly lay hold of and never depart from the policy of looking straight at what is just and proper and best for the interests of that body, discarding all distinctions of caste, of colour and of creed. And in doing so we shall be only following, in our small sphere, the principle of the whole imperial policy of the British Government of India, so wisely as well as so nobly stuck fast to by the most enlightened and far-sighted Anglo-Indian statesmen, in spite of resistance and temptation to the contrary. European gentlemen, Sir, from the fact of the position they occupy in this country, will always generally enjoy a leading *status* in the administration of Indian affairs, local as well as imperial, and native gentlemen will always be happy to yield to them that precedence to which they may be entitled by their rank, their intelligence, their

education and their civilisation. (Applause). And they have shown this disposition in the matter of the Chairmanship of this very Corporation. ("Hear, hear.") The leading community had precedence as was but just and proper; the Chairmanship of the first Corporation was yielded with unanimity and alacrity to an English gentleman. And I think, Sir, it is a graceful act on the part of the English gentlemen of this body, gracefully performed at the hands of the distinguished gentlemen bringing forward this Proposition, to nominate a native gentleman to the Chairmanship on this the first occasion of the kind. Under these circumstances, it cannot be said for a single moment that the appointment of a native Chairman reduces the European Community to a subordinate position—no such significance can possibly be attached to it. ("Hear, hear.") We are bound, as members of this Corporation, to see only to merit and qualifications in making our appointments, and when we find them combined in European gentlemen, we are but only too ready and anxious to recognise them, and I doubt not but that when such are found centered in a native gentleman, Englishmen will never fall behind in recognising them freely, generously and ungrudgingly. (Cheers).

The Proposition for the election of Mr. Dossabhoy was ultimately carried by a large majority.

THE LEADERSHIP OF THE PARSI COMMUNITY.

On the death of Sir Jamsetjee Jejeebhoy, 2nd Baronet, it was proposed by some of the Parsis to elect his successor as the Leader of the Parsi Community. A Meeting was held on 29th July 1877 whereat Mr. J. C. Jehangir moved on behalf of Sir Cawasjee Jehangir that Sir Jamsetjee 3rd, Baronet should act and transact business in concert with the Trustees of the Parsi Punchayet as also the heads and leaders of his community and enjoy the position of a President in affairs relating to the Parsi Community. Mr. Pherozeshah then spoke as follows:

Gentlemen,—I propose that a copy of this Resolution just read before and adopted by the Meeting be sent to Sir Jamsetjee 3rd Baronet with a suitable letter from the Chairman. I have in support of this Proposition to say only one word which is that the present Baronet may add to the glory and prestige of his family which have been handed down to him unsullied by his distinguished predecessors. May he live long and enjoy the blessings of prosperity and may his career be as dignified and glorious as those of his late father and his eminent grand-father the first Baronet!

ENGLISH MAIL CONTRACT PUBLIC MEETING.

A Public Meeting was held at Town Hall, Bombay, on 1st March 1878 to memorialise the Post-Master General with respect to the renewal of the English Mail Contract which was to expire within a couple of years. A Memorial was adopted urging the Government to provide in the Contract for a sixteen days' service between England and India. The Hon. Mr. Walter Long occupied the Chair. Mr. Kittredge and Mr. Donald Graham very clearly

proved that the speed necessary to accomplish the distance between Bombay and Brindisi in the time necessary to secure the great advantage aimed at, was by no means excessive or unusual. Nearly 30 years ago the P. & O. ran very inferior boats at 9 nautical miles an hour and their present rate was only 9½ miles an hour—actually less than it had been before the present contract was entered into. There was great room for improvement upon the state of things then existing. Mr. Nanabhoy B. Jeejeebhoy proposed that a copy of the Memorial be sent to the Government of India asking them to move the Secretary of State for India, into the matter. Mr. Pherozeshah Mehta in supporting the Proposition spoke as follows.

Gentlemen,—I have been asked to say a few words in support of the Resolution just proposed by my friend Mr. Nanabhoy and a few words they must be, particularly after the business-like speech of Mr. Kittredge, full of his usual argumentative ability and bristling with facts and figures which, I apprehend, the advocates of the P. & O. Company's rate of speed will find rather a hard nut to crack. ("Hear, hear.") But we can also take a plain common-sense view of the matter. It is urged by the advocates of the present rate that is enjoyed under the existing mail-contract that it secures the highest speed that can be practically calculated upon with safety and certainty. The question they raise is of a somewhat technical character but it can be decided in a satisfactory manner without resorting to technical argument. Test it by that most practical and conclusive of all tests—a free, fair and open competition—and we are willing to abide by the result. ("Hear, hear.") If it is possible to secure a higher rate of speed, let the P. & O. Company advance with the times or make way for those who can. If it is not possible, no competitors would be forthcoming to oust it from the proud position which it now occupies.

Gentlemen, this is all that we really ask and let us trust that both the Viceroy and the Secretary of State for India will zealously do their best for the country and the interests entrusted to their charge. (Applause).

PARSI PUBLIC MEETING *Re*: ADMINISTRATOR-GENERAL'S ACT II OF 1874.

A Public Meeting of the Parsis was held in Bombay on 14th January 1879, Sir Jamsetjee Jejeebhoy presiding, to consider the operation of the Administrator-General's Act II of 1874 as relating to the Parsis residing in the mofussil. Mr. Byramjee Jeejeebhoy proposed:—That this Meeting is strongly of opinion, for the reasons contained in the Petition from Surat and other parts of the mofussil, that with regard to the Administrator-General's Act II of 1874, Parsis ought to be exempted in the same manner and only as far as Hindus, Mohammedans and Budhists are exempted from its operation and it considers that it could be sufficient for the purpose of effecting such exemption to insert the word "Parsees" between the words "Mohammedans" and "or Budhists" in Sections 16, 17, 18, 36 and 64 of the Act.

Mr. Pherozeshah Mehta in seconding the Resolution spoke as follows.

Gentlemen,

It is for you to consider how Section 64 of the Act operates. As soon as a Parsi residing in any village or town in a district dies, the District Court is required impera-

tively without any option, to send an officer of its own for the purpose of taking charge of the property of the deceased person. The provision of the Act requires that it should be done without any delay after the death of such person. As soon as a man dies, a perfect stranger steps into the house which is then full of lamentation and commences to hold inquiries into the belongings of the deceased. It is impossible in practical life to conceive any thing more impressive or more repugnant to the feelings of those who are in any way connected with the deceased.

Gentlemen, it is not only that the District Court empowers its official to take charge of the property of the deceased, but it goes a step further and compels the parties concerned to obtain a probate within 30 days from the time of his death. It is impossible, within such a short time allowed by the legislature, to find out the whole property of the deceased. The Administrator-General's Act was not passed to protect the properties of the natives of India, but it was meant for Europeans, whether in Bombay or elsewhere, who had generally no relations, to look after their property after their demise in this country.

Khan Bahadur M. C. Marzban asked if the Parsis residing up-country, as in the North-West Provinces, were or were not exempted from the operation of the Act or whether the Resolution, put before the Meeting, was also applicable to them.

Mr. Pherozeshah in reply said:—

The Act is not intended to protect the properties of persons who might go to reside in another part of the country. The difficulty in such cases is met by the relatives of the deceased setting the court in motion to protect his property which is in the generality of cases in the place where he resides. The provisions of the Indian Succession Act could meet the requirements of such cases.

[*A Bill was subsequently passed in the Imperial Council and the necessary additions and alterations were effected.*]

CONTROVERSY BETWEEN THE BOMBAY CORPORATION AND THE GOVERNMENT OF BOMBAY REGARDING LATTER'S ARBITRARINESS IN APPROPRIATING POLICE GRANTS, DUE TO THE CORPORATION TO THE EXPENSES OF WORKING THE C. D. ACT 1880-83.

In June 1880 the Government of Bombay again decided upon introducing the C. D. Act, [Contagious Diseases Act, No. XIV of 1868] into the city of Bombay and an application was made by them to the Corporation to contribute a sum equal to one-half of the expenses of working the Act. This the Corporation declined but resolved that when the finances of the Municipality admitted of it, the Corporation would be prepared to contribute Rs. 15,000—per annum for the mitigation of diseases in general.

Notwithstanding the above Resolution a second Communication dated 16th October 1880 was made to the Corporation by Government asking for a contribution of Rs. 15,000 to defray a portion of the expenses of working the C. D. Act, on the assumption that the Corporation were prepared to sanction that sum and suggesting that "accounts can be most simply adjusted by diminishing the Police contribution of Rs. 15,000." Thus the Government of Bombay compulsorily diverted a sum of Rs. 15,000 due by them to the Corporation for the maintenance of the Police, and employed it as a Contribution towards the working of the C. D. Act.

The Corporation addressed the Government of India against the conduct of the Bombay Government in this matter but the Governor-General in Council intimated that he was not prepared to interfere in the proceedings of the Government of Bombay.

Thereafter the Corporation at its Meeting held on 20th April 1881 appointed a Committee consisting of 4 gentlemen including Mr. Pherozeshah to draw up a Memorial to the Secretary of State for India protesting against the arbitrariness of the Bombay Government.

[*Though the Committee consisted of 4 members, it was Mr. Pherozeshah alone who had drawn up the Memorial and at the Corporation Meeting held on 8th June 1881 a special Vote of Thanks was passed "to Mr. Pherozeshah M. Mehta and the other members of the Committee for the care and ability with which they had prepared such a Memorial."*]

After giving a short resume of the C. D. Act, in Bombay and recounting the facts about which the Corporation and the Government had fallen out, the Memorial continues :—

That your Memorialists may be permitted to point out that the deduction of Rs. 15,000 from the Police grant, the amount of which was settled after a long controversy between the Government and the Corporation, and after they had memorialised the Government of India on the subject, is substantially tantamount to drawing that sum from the Municipal funds. That Government had monies owing to the Corporation in their hands was a mere accident, which simply gave them a certain facility for the manipulation to which they resorted, and does not affect the true character of the appropriation. The action of Government in this matter must therefore be judged in the same way as if they had levied a compulsory contribution with their own hands from the Municipal treasury.

That your Memorialists venture to submit, in the first place, that this appropriation of Rs. 15,000 by Government is illegal and in violation of the rights vested in the Corporation in respect of the custody and disposal of all Municipal funds. The Act of 1872 provides certain sections under which the Government are empowered to direct the disposal of certain portions of the Municipal funds on certain contingencies described therein. It is not even pretended that those sections have any application to the present case. Beyond those sections, the Act vests the entire custody and control of all Municipal funds in the Corporation. That body having declined to contribute towards the expenses of working the C. D. Act, your Memorialists respectfully but firmly urge that the action of Government in taking Rs. 15,000 from the Municipal funds amounts to a wrongful conversion and illegal invasion of the rights vested in your Memorialists as trustees of the Municipal funds.

That your Memorialists beg to urge, in the second place, that, whether illegal or not, the step taken by Government in this matter is opposed to all considerations of true municipal policy, and strikes a fatal blow at the integrity and independence of their municipal constitution. Your Memorialists need hardly remind your Lordship in Council that this Municipal Corporation was constituted in pursuance of a policy that aimed at introducing free municipal institutions and fostering habits of self-government among the people of this country. To secure the integrity of the principle on which alone such a body can be honestly constituted, *viz.*, the power of self-government, in the midst of precautionary measures due to a tentative experiment, the framers of the Act of Incorporation wisely endeavoured to put *within itself* the checks which were considered requisite to guard against the abuse of the free power. With this object they allowed the ratepayers of the city to elect only thirty-two out of sixty-four members composing it, leaving the election of sixteen in the hands of government, and the remaining sixteen in the hands of the Bench of Justices, itself a body nominated by Government. Thus constituted, this Municipal Corporation has now performed the civic functions entrusted to it for eight years, and your Memorialists can safely leave it to your Lordship in Council to say what measure of success has attended their free efforts to govern their own municipal affairs. Your Memorialists do not think that they can be accused of indulging in self-praise if in their corporate capacity they point out that even the most unsympathetic critics have admitted that the success of the experiment has more than fulfilled the most sanguine expectations of its promoters. Such a general success is, however, perfectly compatible with occasional blunders and miscarriages; and your Memorialists submit that even if, for the purposes of this argument, it be granted that the Corporation were in error in the present case in declining to contribute as Government desired, that circumstance will not afford any justification for the compulsion to which Government has thought fit to resort. Habits of self-government cannot be acquired or usefully exercised without freedom of action and it is the experience born of groping through darkness and error, and not compulsory correction, that teaches and enlightens. The arbitrary step taken by Government is thus entirely opposed to the essential principle on which this Corporation is constituted. It is a step which is calculated to destroy the sense of trust and responsibility on which the successful working of such a body so considerably depends. The zeal and interest which ratepayers and their representatives alike have hitherto evinced cannot fail to be affected when they find that their free municipal institutions are self-governing only in name, and that all the diligence and intelligence at their command will not save their decisions from being set at nought whenever they conflict with the wishes of the Executive Government. Your Memorialists respectfully beg your Lordship in Council not to permit a precedent to be established so destructive of the free municipal institutions which they have hitherto guarded and fostered with jealous pride, and fraught with such dangerous consequences to the success of one of the most valuable experiments which the wise and enlightened policy of British rule in India has inaugurated for its good government.

For the reasons above stated, your Memorialists pray that your Lordship in

Council will be pleased to disallow the application of Rs. 15,000 by Government in manner above stated, and to direct them to refund the said amount to the Municipality of Bombay.

And your Memorialists, as in duty bound, will ever pray.

Given under the Common Seal of the Municipal Corporation of Bombay the Eighth day of June 1881.

Chairman of the Municipal Corporation of Bombay.

The Seal of the said Corporation, affixed in the presence of

Three Members of the Town Council of Bombay.

Clerk, Municipal Corporation, and Secretary, Town Council, Bombay.

BOMBAY MUNICIPAL CORPORATION.

MR. PHEROZESHAH'S CHAIRMANSHIP, 1884-1885.

At the Meeting of the Bombay Municipal Corporation held on 7th April 1884, the Hon. Rao Saheb V. N. Mandlik proposed that Mr. Pherozeshah Mehta be elected Chairman of that body for 1884-85. The Proposition was seconded by Sir Frank Souter and supported by Mr. Dossabhoy Framjee and Mr. R. N. Khote, the retiring Chairman, and carried unanimously. Mr. Pherozeshah after taking his seat amidst the applause of the members, said :—

Gentlemen,—I thank you for the great and distinguished honour you have done me by appointing me your Chairman for the ensuing year. I have always been one of those who have been firmly pursuaded that a citizen of this no mean city could not more usefully or more honourably employ such opportunities as he may possess for public life than in taking an active and an intelligent interest in its civic administration as at present constitutionally organised. I have seen something and read something of the way in which municipal affairs are managed in other places, and it has been a subject of no little wonder to me, as it has been a source of legitimate pride, to observe how favourably the mode in which we have been conducting our municipal work compares with that of other countries more advanced and civilised than ours. You can easily conceive, gentlemen, that holding such views, how highly I value the honour you have been pleased to confer upon me and how gratefully I appreciate it! While thus sensible of the distinction, I am not unmindful of the grave responsibilities that attach to this post. But this is not the time to speculate how I may acquit myself of the duties I have undertaken. I am unaffectedly conscious of my shortcomings in that behalf. One thing only I would like to say, and that is that I will not fail in earnest endeavours to maintain the high reputation which this Corporation has acquired under the distinguished gentlemen who have preceded me in this Chair and that I will conscientiously try to conduct my Chairmanship with all fairness and courtesy. (Applause).

BOMBAY MUNICIPAL OFFICES AND HALL

LAYING OF THE FOUNDATION STONE BY LORD RIPON.

On 19th December 1884, Lord Ripon, the retiring Viceroy and Governor-General of India, laid the corner-stone of the new Municipal Offices and Hall, opposite the Victoria Terminus, when Mr. Pherozeshah Mehta, the Chairman, after reading the Address to His Lordship, on behalf of the Bombay Municipal Corporation, spoke as follows.

And now, My Lord, I consider myself singularly fortunate that it falls to my enviable lot to request you, on behalf of this Corporation, to lay the foundation-stone of the Municipal Buildings and Hall which we are about to erect on this spot. My Lord, we do not ask you to perform this ceremony for the purpose of securing the *éclat* of an imposing ceremonial. We ask you because, in this city which claims with pardonable pride to be the favoured abode of free municipal institutions, we hail you as the apostle who, with keen and marvellous appreciation, has done more than any other to extend and develop the true principles of Local Self-Government. We ask you because it is the earnest desire of this Corporation—a desire in which every rate-payer and citizen of this city, from the highest to the lowest, eagerly and cordially joins—that we may thus secure the association of the name of a statesman who has "known the season when to take occasion by the hand," and has assiduously and carefully planted where your illustrious predecessor, the Earl of Mayo, had prepared the soil, and dug and delved, and where your eminent successor has promised, to use his own picturesque language, to watch and water, aye, to prune and train. And lastly, My Lord, we ask you because, as we will frankly admit, we have desired to retain for our Hall some connexion, however slight and remote, with the enduring fame which will occupy one of the most glorious pages in the history of British rule in India, nay, in the history of the world. My Lord, we are deeply sensible of the honour you have done us in acceding to our wishes, and I now beg you to proceed to perform the ceremony. In asking you to perform this ceremony, I have no doubt that this city gives a practical pledge that the building raised on this fair spot will be one worthy of this great city and the affection it bears to you.

PARSI CHIEF MATRIMONIAL COURT.

QUALIFICATIONS OF A DELEGATE.

A Meeting of the Parsi Justices of the Peace was held on 9th March 1885, Sir Jamsetjee Jejeebhoy, Bart. (3rd) presiding, to recommend one of their body to Government to be appointed as a Delegate of the Parsi Chief Matrimonial Court in the place of Mr. Cursetjee N. Cama deceased. Mr. Hormasjee Dadabhoy proposed and Mr. Sorabjee F. Patel seconded the nomination of Mr. Cowasjee Dady Limjee. Mr. Pherozeshah Mehta then said:—

Gentlemen,—I beg to lay before you the name of Mr. Jehangir Barjorjee Wachha in the place of Mr. Cursetjee Nasserwanjee Cama whose death we all deplore. To my

mind, Parsi Justices of the Peace, as being among the best educated and most refined portion of our community, should not recommend their man for the responsible and onerous duties of a delegate simply because he is a good and a respectable gentleman. What we have actually to see is not whether a person is good and respectable, but whether he is at the same time, entitled by his education, his rank, his experience and his intelligence, to be put forward as our nominee for a responsible and honourable position. We have to consider what person is best qualified for the post, and I do not hesitate to say that in Mr. Wacha, I am asking you to select a gentleman who, it will be admitted, is especially qualified by his culture, education, intelligence and independence to fill the responsible and onerous post of a delegate. Without drawing any invidious distinctions, I may say that the qualifications of Mr. Wacha are infinitely superior to those possessed by Mr. Limjee. But the main reason why I have come forward on this occasion is that it is now full time to put an end to a growing evil of great magnitude. It has now come to this that there is a scramble for civic distinctions while the dead man's body is yet lying in the house. ("Shame.") Mr. Hormasjee himself has alluded to the loss suffered by the Parsi Community by the death of Mr. Cama; and it will seem incredible—it is surely intolerable—that the vacancy as a delegate created by his death should be sought to be supplied at his very funeral. ("Shame.") It is intolerable—I repeat it again—that such indecent haste on the part of aspirants to civic honors should go on, or be countenanced for a moment by men of culture and education who certainly ought to know better and conduct themselves in a manner compatible with their learning and enlightenment. We, gentlemen, are crying out for further powers in the matter of Local Self-Government, we claim for ourselves to be the foremost Community of India, surely therefore we ought to show by our actions and teach by our example that we are perfectly well able to perform the simple duty of selecting the best man as a delegate. There are many in this Hall who entirely sympathise with me in the sentiments I have expressed (Applause)—but their excuse is that they have already promised their votes to their would be nominee. Let me impress it upon you, gentlemen, that promises given in the hurry of the moment, under such painful circumstances, are by no means absolutely binding on the consciences of those who have given them and that, in any case, the pledges were coupled with the implied proviso that they were only binding if no better candidate came forward. ("Hear, hear"). Those of you, gentlemen, who talk thus of promises, ought to remember that you are bound by a far more solemn pledge to the Government not to convert your duty as Justices into a mere sham and a farce. In the discharge of your duty then, you should lay aside your prejudices and your predilections, lest Government might some day have seriously to consider whether they should not take away from us a privilege which we were unwise enough to abuse.

I have entire confidence in your judgment, gentlemen, when I propose to you the nomination of Mr. Jehangir Barjorjee Wacha, whose education and experience entitle him to be elected a delegate of the Parsi Chief Matrimonial Court.

Mr. Limjee was ultimately elected by 28 votes to 8.

BOMBAY MUNICIPAL CORPORATION.

MR. PHEROZESHAH'S CHAIRMANSHIP, 1885-1886.

At the Meeting of the Bombay Municipal Corporation held on 9th April 1885, Sir Frank Souter proposed that Mr. Pherozeshah Mehta be re-elected Chairman of that body for 1885-86 and Sir Jamsetjee Jejeebhoy, Bart. (3rd) and others seconded and supported Mr. Pherozeshah's nomination. Mr. Pherozeshah, after being re-elected said:—

Gentlemen,—It is always a high honour to be chosen to preside over the deliberations of so great a Corporation as that of this City, and I am therefore not only deeply thankful to you for conferring this distinction upon me a second time, but also because it indicates that, in your opinion, I have not altogether failed to discharge the responsible duties of the Chair during the last eventful year and that I have done my duty, in some small measure, to your satisfaction. I am perfectly conscious of the kindly expressions—however little I deserve them—used by several of my friends in speaking on this subject, but I thank them, all the same, for their approval and confidence. It is hardly necessary for me to add that whatever success may have attended my efforts in this respect, has been chiefly owing to the cordial and cheerful co-operation and help which I have always received in the discharge of my duties from the Commissioner, the Clerk* and from the members of the Corporation. While renewing my thanks for the great honour conferred upon me, need I say that I expect at your hands, once again, that support and that encouragement which you extended to this Chair during the past year, and with your assistance and co-operation, I hope to make the second term of my Chairmanship as inspiring of your confidence and as successful as the first. (Applause.)

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At the Meeting of the Bombay Municipal Corporation held on 5th April 1886, the Hon. Mr. K. T. Telang moved a vote of thanks to the retiring Chairman, Mr. Pherozeshah Mehta, whose thorough knowledge of Municipal affairs "had proved of the greatest utility to the Corporation and to the City of Bombay." The Resolution was carried unanimously after being seconded and supported by Col. Merewether and Mr. Bomanjee P. Master, respectively. Mr. Pherozeshah in acknowledging the vote, spoke as follows.

I have to tender to you, gentlemen, my warmest thanks for the very kind manner in which you have received the Proposition moved by my friend Mr. Telang and seconded by Col. Merewether. I will not conceal that it is a source of some pride and gratification to me that the efforts which I made to discharge the duties of the high trust reposed in me, do not appear to be entirely undeserving of your approbation. I am also much obliged to the members of the Corporation for the very cheerful and ready co-operation which they have given me in all matters appertaining to the management of the business of the Municipality and which alone has enabled me to perform my duties as satisfactorily as you think I have done.

* The Municipal Secretary

Moreover, the co-operation of the Municipal Commissioner has greatly assisted me in executing my responsibilities in a manner that has met with your approval; and I must add that it was owing to the Clerk of the Corporation that the business could be placed before us in a clear and methodical way. I have, therefore, to express to you, one and all, my deep thanks for the kindly assistance I have received from all quarters for the last two years that I occupied the presidential Chair, and during that period of time, I am proud to have heard from you with no small gratification that I acquitted myself with honour, with justice and with dignity. (Applause.)

BOMBAY MUNICIPAL CORPORATION.

DEATH OF MR. NOWROZJEE FARDOONJEE.

The Bombay Corporation adjourned on 24th September 1885, without transacting any business, as a mark of respect to the memory of Mr. Nowrozjee Fardoonjee, deceased, about whom a highly appreciative Resolution was recorded. At the outset, Mr. Pherozeshah Mehta, the Chairman, spoke as follows.

Gentlemen,—Since we last met, one of the oldest and most esteemed and valued of our colleagues has passed away from our midst; and in deference to the universal wish expressed to me—a wish with which I need not say, I heartily sympathise—I propose to adjourn this meeting without transacting any business, as a mark of respect to the memory of the late Mr. Nowrozjee Fardoonjee. I do not think there is a single member of this Corporation who remembers anything about the administration of municipal affairs in Bombay without the name of Nowrozjee Fardoonjee being associated and prominently associated with the transaction of municipal business. During that long connection with the municipality of this city, his untiring devotion, his unflinching integrity of purpose, and his uncompromising independence of character were unsurpassed. Gentlemen, I think that we shall all agree in this, that if any one individual could be said to have contributed to the success of our municipal institutions, it was the gentleman who will be no more amongst us and whose death is a distinct loss not only to this Corporation but to the whole city. Although municipal and other institutions do not depend upon individual immortality, I think the universal opinion is that the loss we have suffered in the death of Mr. Nowrozjee is a loss which will not be easily replaced. I now call upon the Hon. Rao Saheb Mandlik to move the Resolution marking our sense of the loss we have sustained by the death of Mr. Nowrozjee Fardoonjee.

The Resolution was carried unanimously and the Corporation adjourned.

1st INDIAN NATIONAL CONGRESS.

ROYAL COMMISSION ON INDIAN ADMINISTRATION.

At the first Sessions of the Indian National Congress held in Bombay in December 1885, Mr. G. Subramania Iyer moved (28th December 1885) the following Resolution :— That

this Congress earnestly recommends that the promised inquiry into the working of Indian Administration, here and in England, should be entrusted to a Royal Commission, the people of India being adequately represented thereon, and evidence taken both in India and in England,"

Mr. Pherozeshah, in seconding the above Proposition, remarked—

That it was not needful to prove the desirability or necessity of an enquiry into Indian affairs, since the leading men of both English parties have joined in admitting it. But while it was satisfactory to find both parties of one mind on this point that circumstance itself rendered it extremely requisite to watch carefully the composition of the body to whom such an enquiry would be entrusted. The conditions under which the old Parliamentary Committees were appointed to enquire into the administration of the E. I. Company had altered and it was necessary to adopt a mode of enquiry suited to the altered state of things. Three considerations had, therefore, to be borne in mind. The body entrusted with the enquiry should be of a character that would enable it to pursue its investigations in India itself. Secondly, it was essential that the natives of this country should be represented on it and thirdly that the Commission or Committee should take evidence in India. Mr. Mehta was strongly of opinion that unless the enquiry was granted in the manner pointed out, it would be almost better to have no enquiry at all. Parliamentary Committees and Royal Commissions were not to be had within short intervals and it would be disastrous to have a body composed mainly of Anglo-Indians sitting in judgment upon themselves. They could well imagine beforehand the conclusions to which such a body would arrive—superficially plausible, but essentially unsound. These conclusions would be accepted for guiding principles for at least another twenty years, and the mischief thus ensuing would be incalculable. He trusted that the enquiry would be of such a character as to ensure confidence on all sides. Fairly conducted and properly constituted such an enquiry would be of immense service to the future government of this country by allaying many prejudices, exposing many fallacies and establishing sound principles in harmony with the healthy progress of time.

The Resolution was unanimously carried.

1st INDIAN NATIONAL CONGRESS.

QUESTION OF THE ABOLITION OF THE INDIA COUNCIL.

At the Meeting of the Indian National Congress held in Bombay on 29th December 1885, Mr. S. H. Chiplonkar moved "That this Congress considers the abolition of the Council of the Secretary of State for India, as at present constituted, the necessary preliminary to all other reforms." Mr. R. M. Sayani thought that they ought to be cautious in asking for its total abolition. The Secretary of State, he said, would become a perfect autocrat without such a Council.

Mr. Pherozeshah in reference to Mr. Sayani's doubts pointed out that the enquiry* asked for was not so much for the purpose of their making up their minds as for testing the conclusions they had come to. The case as regards the India Council seemed to him complete. The other doubt of Mr. Sayani had been answered by the late speaker Mr. Subrayadu. [A member :—But the Colonies have Parliaments of their own.] That is true, but I don't believe in secret irresponsible conclaves. We must have a government carried out in open day-light. And here, continued Mr. Pherozeshah, I would ask leave to make a remark about a matter on which there is a great deal of misapprehension. I wish all our countrymen to consider how far we can get on without the aid of what is called party government. The system of English administration is based on party and our fortunes being bound up with England, we must resort to that system for our wants also. In the English system, truth cannot be brought out except by the concussion of debate when each case is explained from both sides. Returning to the main subject of debate, Mr. Pherozeshah said, Indian officers of Government were supposed to be unfit for work at the age of fifty-five. Could it, then, be reasonably supposed that the effete Anglo-Indian officials who are appointed to the India Council are less unfit? Further it must be remembered that these bureaucrats must always be partial to what their brother bureaucrats do out here, as they have themselves done similar things in their time. They are, therefore, an exceedingly unsatisfactory appellate tribunal over the local officers.

The Resolution was unanimously carried.

1st INDIAN NATIONAL CONGRESS.

THE ANNEXATION OF UPPER BURMAH.

At the Meeting of the Indian National Congress held in Bombay on 30th December 1885, Mr. Pherozeshah Mehta asked leave to bring in a motion about the Burman Question, and in doing so said that he would not go into the question of the annexation which he thought was unwise, unjust and immoral. But he would only look at the matter from the Indian point of view. Lord Dufferin had said that the weakness of their North-West Frontier disabled him from giving as much attention as he would like to give to home affairs. What would be the result, when they had similar trouble on their North-East Frontier also? He would say that if annexation was decided upon they should make Burmah a Crown Colony; and then with Ceylon in the South and Burmah in the East, they could ask with greater strength and reason for more liberal institutions in India than she then possessed.

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* Referring to the Resolution passed by the Congress on the previous day, namely, "That this Congress earnestly approves of the promised Committee to inquire into the working of the Indian administration."

These remarks were received with so much applause that the President said he would take the applause as equivalent to a grant of leave to make the Motion which was:—"That this Congress deprecates the annexation of Upper Burmah and considers that if the Government unfortunately decide on annexation, the entire country of Burmah should be separated from the Indian Viceroyalty and constituted a Crown Colony, as distinct in all matters from the Governments of this country, as Ceylon."

The Resolution was carried unanimously.

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A quarterly General Meeting of the members of the Bombay Presidency Association was held on 8th October 1886 under the presidentship of Mr. Sorabjee Framjee Patel when Mr. Pheroseshah Mehta moved:—

"That this Association desires to put on record its deep sense of gratitude to Mr. Samuel Smith, Mr. W. Hunter, Mr. Cremer and Mr. Conybear and the other Honourable Members of the House of Commons, who supported them for drawing the attention of Parliament to the condition of India, and for their staunch advocacy of Indian interest in the last session of Parliament, and that the Resolution be communicated to the gentlemen mentioned above."

Mr. Pherozeshah said that the proposition which had been recently brought before the House of Commons by Mr. Samuel Smith was in relation to the Burmah War. The meeting would remember the resolution which had been carried by the National Congress on the last occasion, namely, that if it was found to be absolutely necessary that Upper Burmah should be annexed, it should be made a separate Colony. When the annexation was decided upon, it was stated that the burden on India would be very light, and that in a very short time the revenues of Burmah would go to support the revenues of India. But what did they find now? The burden with which India was to be settled, would be an enormous one. Seeing that the burden of war and the annexation was to be thrown upon India, although the territory was annexed mainly in the interests of British commerce, a very important question was raised in the House of Commons, whether England should not bear a fair proportion of the expenditure. It was very courageous on the part of the Members of Parliament to have fought so staunchly in favour of India, in the face of such strong opposition, and therefore, their services fully deserved recognition on the part of the Association.

Mr. N. G. Chandawarkar seconded the Resolution which was carried unanimously.

BOMBAY PRESIDENCY ASSOCIATION.

VOTE OF THANKS TO INDIAN DELEGATES.

A Meeting of the members of the Association was held on 13th January 1886 for the purpose of hearing an account of the work done by Mr. N. G. Chandawarkar and Mr. Manmohan Ghose, the Bombay and Calcutta delegates, respectively, at the recent General Elections in England. The Hon. Mr. Dadabhai Naoroji was voted to the Chair. The Hon. Mr. K. T. Telang having proposed a vote of cordial thanks to the delegates,

Mr. Pherozeshah Mehta in seconding it said that it was really so late (Cries of "no, no.") that he would make only a few observations. The success of the mission had exceeded his most sanguine expectations. Critics had said that the Association had sent Delegates to set the Thames and all the rivers in Great Britain and Ireland on fire; but that the rivers were still running as smoothly as ever. Well, if the Delegates had not set the rivers on fire, they had certainly kindled a spark in the hearts of the British public, which, if the Natives of this country only knew how to do their duty, would blaze up to a torch that would ignite the whole of Great Britain and Ireland. Mr. Pherozeshah continuing said he would make only one observation more and then sit down. (Cries of "no, no".) The necessity of such a mission arose from two facts. One was that there were various Indian questions upon which they could not expect a verdict from the Anglo-Indian bureaucracy; and the alternative they adopted was to go to a higher tribunal. They should continue to send this mission year after year, to rouse the sympathy of the British public. (Applause.)

FEMALE MEDICAL AID TO THE WOMEN OF INDIA.

LADY REAY'S SYMPATHIES.

A Public Meeting of the citizens of Bombay was held on 30th March 1886 for the formation of a Branch of the National Association for supplying Female Medical Aid to the women of India. Lord Reay, the Governor, presided. Mr. Pherozeshah Mehta, who was warmly received, spoke as follows.

YOUR EXCELLENCY, LADIES AND GENTLEMEN,

The Resolution which is placed in my hands is—"That an Executive Committee be formed for the purpose of organising the work of the Branch, and of giving effect to the object of the Association and that the Committee consist of the following: President, Lady Reay, Members [named at the meeting] with power to add to their number."

Ladies and gentlemen, I had intended to ask His Excellency's permission that, as one having not the slightest hope of ever being in a Cabinet or entering the Governor's Executive Council, I might be allowed to indulge in a little platform oratory. (Laughter). But I would assure you that at this late hour of the night, I would not do anything of the sort, but would only move the proposition before the meeting contenting myself with only one remark. We have observed with satisfaction that Her Excellency Lady Reay is the President of the Executive Committee. (Cheers). We have the good fortune of having a Governor like Lord Reay—a broad minded statesmanlike ruler—and I am only giving expression to the public feeling when I say that we are equally fortunate that His Excellency has brought out a partner who knows so well to help him by her kindly, sagacious and practical sympathy. Lady Reay's solicitude for the welfare and enlightenment of the women

of India is highly appreciated by the grateful people of this country and with such a sympathetic personage as Her Ladyship as President, the Executive Committee is assured of all success and prosperity in the noble and praiseworthy work it has undertaken. (Loud cheers.)

BOMBAY PRESIDENCY ASSOCIATION.

REPLY TO THE VOTE OF THANKS.

The First Annual General Meeting of the Association was held on 7th April 1886, the Hon. Mr. Budrudin Tyabjee presiding. The members having passed a Vote of Thanks to the retiring Council and to the Secretaries,

Mr. P. M. Mehta thanked the Meeting on behalf of the Council and the Honorary Secretaries for the vote of thanks they had just accorded them. In doing so, he was anxious emphatically to concur with every word that had fallen from the last speaker with regard to their valued colleague, Mr. Dinsha Wacha. Mr. Wacha had borne the greater portion of the heavy work done throughout the year and he had done so ungrudgingly and cheerfully with a single-minded desire to perform what he considered his duty as a public citizen. But he would take this opportunity of saying that it was not right to require such a heavy sacrifice of time and labour, however gladly offered. Their original idea was to have a paid Secretary for the heavy work. But to carry it out, a larger number of members even at present was requisite. He would, therefore, earnestly appeal to the public to come forward in increasing numbers to join the Association so that by being enabled to carry out the originally meditated arrangement there should be adequate machinery for steadily and constantly following up the various questions that arose from time to time for the consideration and action of the Association. It would be one of the most fortunate things that could happen to the Association if it could secure for good the able services of a gentleman of Mr. Wacha's knowledge and ability. He trusted that the appeal he made would meet with a cordial response from the public. (Cheers.)

PARSI CRICKET.

The Parsi Cricket Team which was shortly proceeding to England, was entertained to a Dinner on 17th April 1886, when Mr. Pherozeshah Mehta, who presided, in proposing the toast of the evening, spoke as follows.

Gentlemen,—I wish the honour of proposing the toast before this large and representative gathering that has assembled here this evening, had been conferred on one more conversant and familiar with the ways of cricket and other sports than I am. ("No, no.") However, I may say that the object of the team in going to England is a very modest one. Cricket, as you all know, is the national game of England. It has taken root among the Parsi Community, and as artists go to Italy to do homage to the great Masters, as pilgrims go to Jerusalem to worship at a shrine,

or as students, in the Middle Ages, went to the chief seats of learning in places where science and Philosophy had made their home, so now the Parsis are going to England to do homage to the English cricketers—("Hear, hear" and cheers)—to learn something of that noble and manly pastime in the very country which is its chosen home. It is a matter for very great congratulation that the Parsis have arrived at a stage at which it is possible for a number of their cricketers to gather together in order to go upon such an enterprise—(Cheers)—an enterprise which we would like to see members of other communities also to emulate. (" Hear, hear.")

I, gentlemen, remember the time, about a quarter of a century ago, when our co-religionists first took to cricketing. Those days are quite fresh in my mind from the fact of my being one of the very first who were engaged in this game. (" Hear, hear.") This fact was unknown to fame, and I am particularly glad to make a public announcement this evening that it was in the *maidan* outside the ramparts that the pioneers of cricket, proud of their bats and stumps, which were made by a native carpenter, had begun to play. (Laughter) Since then the game has flourished among us and here I may mention, it had received a very great impetus from one who was anxious to introduce physical training among the natives of the soil, the late Sir Alexander Grant.* (" Hear, hear ".) The days of my exploits on the cricket field have long since passed away,—but to this day there is no more agreeable sight to me in Bombay, while passing down Esplanade Road, than that of the whole *maidan* overspread by a lot of enthusiastic Parsi and Hindu cricketers, keenly and eagerly engaged in this manly game. (Cheers.) I confess I am not competent enough to speak of the achievements of Parsi cricketers under the guidance of Mr. Ardesir Patel.† They have gone over many parts of India and have played a number of matches with representatives of other nationalities,—but whether they are balling or batting, gaining or losing, they have always distinguished themselves by their pluck, courage and perseverance. (" Hear, hear. ")

Some time ago, gentlemen, as you all know, the political associations of India sent delegates to Great Britain to plead the cause of India before the British public. There was considerable difference of opinion as to whether they would succeed in one thing and in another, but I think that since their return, one fact has been gaining the concurrence of all right-minded and thinking people that the mission of the Indian delegates to Great Britain has proved successful in one important particular, that is, in exciting the interest of the English nation in the affairs of Hindustan. (Cheers.) The mission, I think, has been a great success in bringing closer to the minds of Englishmen the views, the feelings, and, if you like, the prejudices of the people whom

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*Born 1826 Came to India as Inspector of Schools, Madras, 1860. Subsequently became Principal of the Elphinstone College, Bombay, 1862, Vice-Chancellor of the Bombay University, 1863, Director of Public Instruction in the Bombay Presidency, 1865, Member of the Bombay Legislative Council, 1868. He had greatly endeared himself to his pupils one of whom Mr. Pherozeshah Mehta ever after remembered him as his "guide, philosopher and friend". Died in 1884.

† One of the first to introduce the game of Cricket in the Parsi Community. (1855-1902.)

they are governing in a distant part of the world. There are many ways in which the object with which the delegates had been sent to England, might be secured, and I know of none more educative, more productive of fruitful results, than the mission which would enable the Parsi cricketers to mingle with Englishmen on their own play-grounds in the game which is essentially English and for which they have a national liking. ("Hear, hear" and cheers.) We very often hear complaints of physical degeneracy among the members of our Community. I have heard Parsis bemoan the present, and say that those were the days of giants when Rustom flourished, and Jal and Sohrab and other heroes. I must admit that being of a rather sceptical turn of mind, I cannot put implicit faith in all that is said about the good old days. But I can say that when I see at this very table, Parsi youths, little fellows who have not been able to attain their full physical development, I am inclined to believe men of the older generation when they say that degenerated as they were, they were infinitely superior to their emaciated successors. That we are physically deteriorating, is a fact and the same complaint is made by other Communities. But whether the Parsis have deteriorated or not, their youths have taken to cricket, as if it were their own national pastime,—and if pluck and spirit and courage went for anything, we might still be said to possess some of those qualities which have enabled our heroes of yore, whose exploits we have read of with pride in our younger days in the Shah-Nameh and other poems, to achieve all the wonders with which they have been credited.

I now ask you, gentlemen, to join with me in tendering our heartiest good wishes to the members of the Parsi Cricket Team, who, let us hope, may return safe to these shores, full of creditable performances and achievements. (Loud cheers.)

The toast was very warmly received.

ELPHINSTONIANS' DINNER.

INDIAN REFORMS. SIMULTANEOUS EXAMINATIONS.

The third annual Dinner of the Elphinstonians took place on 18th December 1886 at the Elphinstone Institution when Mr. Dadabhai Naoroji took the Chair. Mr. Pheroseshah in proposing the toast of the Chairman, spoke as follows.

Brother Elphinstonians,—I am asked to propose the next toast—that of our Chairman. In entrusting this toast to me, one of the most hopeful tasks that could be imagined has been assigned to me. I am asked to say something about a person whose life and career and public services have been once and again described by tongues and pens more eloquent than I could ever hope to wield. If I attempted such a task, I would have to repeat an oft-told tale, the tale of a career which you have all more or less seen and watched with your own eyes, and which has met with general appreciation, not only in Bombay, not only in this Presidency, not only in India, but which has been appreciated throughout the British dominions—(Loud cheers)—in all its noble elements of simplicity. I am, therefore, not going to enter into the details

of such a career: I will simply sum it up in the line in which the Poet Laureate has described a noble character, and in proposing the health of our Chairman, I propose the health of one who may be truly described as "a selfless man and stainless gentleman." (Loud cheers.) All his past is before you, but there is perhaps one new incident since you last met to which reference might perhaps be made. But here I have again to restrain myself. I refer to Mr. Dadabhai's recent visit to England. Gentlemen, we shall soon have a special opportunity to thank him for the good work done by him during his recent stay in that country, as a meeting is called by the Presidency Association early in January for that special purpose. (Cheers.) But letting the past to itself, I will ask your permission to say a few words about what Mr. Dadabhai has to do in the immediate future. With several of our well-known public men, many of them Elphinstonians, including my friend Mr. Telang Mr. Dadabhai proceeds in a few days to Calcutta on what I consider a mission of high enterprize, *viz.*, to represent this Presidency at the National Congress, which is to be held there during the last few days of the year. Gentlemen, it is a matter of very great satisfaction that a great man like Mr. Dadabhai—(Cheers)—is going to attend the Congress which is fast becoming an event of high political importance in this country. ("Hear, hear.") It is again satisfactory to remember that we, the people of this Presidency, will be represented in that Congress by persons in whose moderation and judgment we can entirely confide. (Loud cheers.) There is very great reason for satisfaction that the voice of this Presidency should be directed by counsels of moderation and of judgment. (Renewed cheers.) Two of the most important questions which will be discussed in the Congress, are the equal admission of natives into the Civil Services of this country, and the reform and extension of the Legislative Councils. These two important questions will be discussed in the Congress, and I hope that when Mr. Dadabhai will go with the representatives of this Presidency, he will deem it fit and proper to place before the Congress the right point of view from which we in the Bombay Presidency are making demands, both as regards the admission into the Civil Service and the extension and reform of the Legislative Councils. It has been alleged that we have been asking for these changes and reforms with the ulterior object of turning out the British from India. (Laughter.) You must have read in to-day's Times of India and the Bombay Gazette a letter signed by F. who takes it for granted that these reforms are sought for to substitute entirely native for British agency in the administration and government of this country, and after that is accomplished, to ask the English to walk out of the country, their task being done and there being nothing left for them to do. Well, gentlemen, we, in this Presidency, are not fond of attempting to gaze too far into the dim and hazy future, and dip into it as far as human eye could see, or, for the matter of that, could *not* see. We are practical people, and we are content to deal with practical politics and, gentlemen, the point of view from which we demand these reforms and these changes is very different from what the Anglo-Indian press very often delights in representing us to wish for them. Gentlemen, you must have read the letters recently written by Principal Wordsworth in connection with the pamphlet,—"The Star of the East."

I agree with him entirely when he says in one of them that the maintenance of British supremacy in India is one of the most important conditions of all political progress in this country. (Cheers.) When I say that, we are likely to go entirely with him in laying down such a proposition. I certainly should have wished that he had rather presented it from the point of view in which it was put by Lord Rosebery in his speech at St. Andrew's Dinner. I should have added one more thing. I should have said that the maintenance of British supremacy was the most important condition of progress in this country at present, when founded in justice and righteousness as well as in strength. (Loud cheers.) You will remember that Lord Rosebery said that the British in India must be maintained by English strength and English justice—(Cheers)—strength without and justice within. (Renewed cheers.) We, in this Presidency, are all earnestly of opinion that the maintenance of such British supremacy is one of the most essential and important things for this country as far as human eyes could dip into the future for the present. When we ask for these reforms in the Civil Service and in the Legislative Councils, it is not for the purpose of turning out the British from India, but we at least in this Presidency ask them from this point of view,—that we are sincerely convinced that these reforms are necessary and essential for securing the stability and permanency of the Rule. (Loud cheers.) We ask for a large infusion of natives into the Civil Service for the purpose of enabling the British to perform work which they cannot perform without asking the natives of the country to freely and loyally co-operate with them. We ask for the reform and expansion of the Legislative Councils, because we also sincerely believe that the British will never be able to achieve rightly the government of this country, till the natives of the land are asked to help them freely and independently with their counsels. I trust then when Mr. Dadabhai leads our representatives in the Congress, he will base the demand for these reforms most distinctly and unhesitatingly on this, that it is not for the purpose of driving out the English bag and baggage from India, but that they are asked for because our aim, our object and our wish, so far as we could see into the dim future, is to maintain that British supremacy—(Cheers)—which is, we admit, the indispensable condition of Indian progress. As I am referring to these matters, I should like to make a few remarks on one of the most important questions which ought to be considered at the Congress, namely, the question connected with the appointment of the Civil Service Commission which is now in motion. Now, gentlemen, it has been said that the appointment of the Commission was not received with that cordiality which its authors fully intended it to receive. It might be that suspicion was cast or intemperate words were spoken about the appointment of the Commission, but so far as this Presidency is concerned, we have never imported bad faith. But we may confess that there has been a feeling of nervousness and anxiety as to the scope of the Commission. And the reason of it is this. All the agitation which has taken place with regard to the Civil Service question and which had been carried on under the leadership of our distinguished Chairman—(Cheers)—for years and years past, has been based upon one thing. We have taken our stand with regard to the question upon one of those rights, which we consider has been granted to us for ever by charters which

are irrevocable. We have always agitated this question upon this basis, that the charters of 1833 and 1858 have irrevocably told us that we natives of India are eligible for all service under the crown without distinction of colour, caste and creed. This is one of our own fundamental charters and it is upon the basis of these charters that we have continued the agitation with regard to the free and equal admission of natives into the Civil Service of the country. (Cheers.) That being our position, there was a sentence in the resolution appointing the Commission which seemed to raise doubt on this point, because in one portion of that resolution there was a reference to posts in the service which were to be exclusively reserved for Europeans. It is not to be wondered at that it should be anxiously considered, if this meant that the question, settled by the charters for all time as to the equal eligibility of natives, was to be reopened, and that the Commission could consider measures utterly inconsistent with the declared policy of the crown. The words I have referred to in the resolution, besides, sounded unfortunately as if they were taken from the resolutions of a past *regime*, that of Lord Lytton whose despatches and resolutions are associated in our minds with pretty candid declarations that our charters were like pie-crusts made only to be broken. (Laughter and cheers.) There was then legitimate room for anxiety. But after the deliberate announcements of the illustrious nobleman * who at present rules over us, made at Poona, nothing remains for us but to receive the appointment of the Commission in the same free and cordial spirit in which we have been assured by him it is designed. We must remember, gentlemen, that the Viceroy is not only a distinguished diplomatist, we must also bear in mind that he is a tried and distinguished administrator and statesman, and that he has to maintain a great reputation as an illustrious administrator and as an illustrious statesman. There is an end, therefore, to all doubt and anxiety, reasonable or unreasonable, and the only thing that now remains for us is to gird ourselves to the task of pointing out what we consider to be the only way in which the promise held out would be adequately fulfilled in regard to the appointment of natives to the Civil Service. That course has been over and over described. So far as natives of India are concerned they are entirely at one in that course—a course which was foreshadowed by our Chairman a long while back, and which he, even I go so far back as 1867, suggested before a meeting of the East India Association in London. That course was laid down after mature consideration, and we still adhere to the opinion that it is the only one which will satisfy our legitimate aims and just aspirations. That measure, recommended by all economical and political considerations, is that simultaneous examinations of an exactly similar character should be held in India and in England with the proviso that with regard to the natives, after they have passed the examination in India, they should be called upon to finish their education in the country from which we derive our inspiration and our knowledge. I trust that in the Congress which is now to be held, all these views will be strongly and adequately represented by Mr. Dadabhai and his associates with that moderation and judgment which characterized the proceedings of the Congress held in Bombay last year and which I trust will characterize it this year.

* The Marquess of Dufferin and Ava.

I now ask you, gentlemen, to drink to the good health of our Chairman Mr. Dadabhai Naoroji. May his efforts in the cause of the welfare of India be always crowned with success! (Loud cheers).

QUEEN VICTORIA'S GOLDEN JUBILEE.

A Public Meeting of the citizens of Bombay was held on 17th January 1887 to consider the steps which should be taken for celebrating the Golden Jubilee of the reign of Her Majesty Queen Victoria. Sir Charles Sargent, Chief Justice of Bombay, presided Mr. Pherozeshah spoke as follows.

MR. PRESIDENT AND GENTLEMEN,—

The Resolution entrusted to me is this,—"That the form of the proposed public rejoicings and the control of the expenditure thereof, as also the nature of any permanent memorial to be adopted, be entrusted to the General Committee, this Meeting being of opinion that the festivities should include the decoration and illumination of the streets, and the holding of a fair."

In submitting this Proposition to you, gentlemen, you will allow me to make a few very short remarks. I had trusted that some of the previous speakers would have given you a rapid survey of one of the most eventful and glorious reigns in English history, nay, in the history of the world, but their feelings have not allowed them to do so. And I will follow their example and make but one brief remark. There have been greetings and rejoicings over sovereigns who have been great warriors, mighty conquerors, or distinguished statesmen. But on this occasion we have met together to make arrangements for rejoicings over fifty years of the reign of a Sovereign who, as her own Poet Laureate* has sung—

> "Has a nobler office upon earth
> Than arms, or power of brain, or birth,
> Could give the warrior kings of old."

Nobly and conscientiously has Queen Victoria performed the duties of that high office for half a century. I trust that whatever form the permanent memorial of the Jubilee may take, it will be commemorative of the triumphs which have distinguished her memorable reign—the peaceful triumphs of arts and morals, of science, literature and laws,—triumphs which have resulted in benefits and blessings to the people of this country in common with her subjects in other parts of her vast Empire. (Loud applause.)

The Proposition was unanimously carried.

THE SERVICES OF LORD REAY AND Mr. DADABHAI NAOROJI.

The members of the Ripon Club of Bombay entertained Sir D. M. Petit to a dinner on 5th March 1887 in honour of his recent elevation to Knighthood. Mr. Dossabhoy

* Lord Tennyson.

Framji, C. S. I., presided. Mr. Pheroseshah Mehta, who was received with loud and prolonged cheers, in proposing the toast of the Governor, spoke as follows.

Gentlemen,—It is my proud privilege this evening to give you the toast of His Excellency Lord Reay, the Governor of Bombay. His Excellency has recently given us a very strong proof or token of the great regard in which he holds our small Community. (Cheers.) I am alluding to a circumstance which some of the members might think is giving a proof of exactly the very contrary of what I am going to say. I refer to the incident which has been now so much talked about, namely, that His Excellency the Governor in his speech on the Jubilee day did not mention the name of the Parsee Community in common with other natives of this land, and the foreigners who reside in this country. Now, it is a well-known thing, gentlemen especially amongst the Parsees, that when they are about to celebrate some festive occasion and sit down to invite a number of people, they invariably find from experience that they forget the one who has been the nearest in their regard. (Cheers.) The same thing appears to have taken place in regard to His Excellency the Governor. It is because the Parsee Community is near in his regard that His Excellency forgot to mention it in his speech. (A voice—"Quite true." Laughter.) I speak from knowledge and experience and I have not the slightest doubt you will all agree with me that Lord Reay has always dealt with us very fairly and has always had the well-being of the Parsee Community at heart. (Loud cheers.) It is the toast of such a sympathetic Governor that I have the honour of giving you to-night and I am sure you will join with me with all your heart in wishing him a long life and a career as brilliant and as distinguished as that of the most eminent of his predecessors who have ruled over us. (Loud and prolonged cheers.)

Mr. Pherozeshah then proposed Mr. Dadabhai Naoroji's toast as follows.

Gentlemen,—I now give you the toast of a personage the mention of whose name is ever received as a signal for universal acclamation and which is household throughout the length and breadth of the country,—of the great patriot who has laid India under a deep debt of gratitude by his immeasurable services in her behalf, —of our distinguished guest the Hon. Mr. Dadabhai Naoroji. (Loud cheers.) He is the only eminent visitor ever invited and entertained by our Club, for, you will remember, an entertainment was given in his honor on his departure to England on the last occasion for the purpose of entering into the portals of the House of Commons. He is leaving again these shores by the next mail—even at his present time of life—to fulfil that high mission and to work for his country to which he has dedicated his noble self,—a work which he has been doing throughout his whole life-time in the most loyal and indefatigable manner. (Loud cheers.) With the sincerest of wishes, therefore, that his noble efforts be fruitful of encouraging results, let us, gentlemen, hold our glasses and wish Mr. Dadabhai Naoroji a happy voyage to the scene of his labours which, let us hope, may be crowned with entire and well-merited success. (Loud cheers.)

RIPON CLUB ENTERTAINMENT TO THE HON. Mr. PHEROZESHAH, 1887.

The Ripon Club of Bombay gave a Dinner on 20th August 1887 to the Hon. Mr. Pherozeshah on his being appointed a member of the Legislative Council of Bombay. Sir Jamsetjee Jejeebhoy who presided proposed the toast of the evening to which Mr. Pherozeshah replied as follows.

SIR JAMSETJEE AND GENTLEMEN,

I will confess that in view of the position which I hold in this Club, I felt at first considerable hesitation as to the propriety of accepting the honour which it was proposed to do to me. But when in spite of my misgivings it pleased the members of this Club to decree unanimously that it should be so, it would have been a piece of false conceit on my part not to have yielded at once to the general wish. (Cheers.) Gentlemen, I needly hardly tell you that I am deeply thankful to the members of this Club for the great honour which you have done to me to-day, and to you Sir Jamsetjee, for the kind and cordial manner in which you have been good enough to give expression to their sentiments on this occasion. And if, gentlemen, I do not tender to you my grateful acknowledgments in a long speech, I am sure you will understand that it is owing to the circumstance that self is a subject on which no man can dilate with propriety or good taste, and not because that I do not appreciate very kindly the honour you have done me,—an honour which I for one value far more highly than many others of a far more dazzling character. (Loud cheers.) In proposing the toast of my health, you have been pleased, Sir Jamsetjee, to say many kind things of me. But I use no conventional phraseology nor do I indulge in affectation or false modesty when I say that I cannot conceal from myself that this honour is done to me to-day, not so much because of the small work which I may have attempted to do as a public citizen, as out of the good-will and friendliness which, in spite of innumerable faults and shortcomings, I have been fortunate enough to secure from you for the sincerity of my efforts. (Loud cheers). Indeed, an occasion like this brings thoughts pleasant as well as sad, engenders both pleasure and pain,—pleasure because of the honour, and pain and sadness at being indirectly but forcibly reminded of a long vista of aims forgotten, of opportunities neglected, of energies wasted, of many a failing and many a weakness, and at finding how very little it is you have done compared to what should have been done for the country to which you owe so much. (Cheers). And, gentlemen, if I may venture to take such an occasion as this to draw a lesson for some of the younger friends whom I see around me, I would tell them not to listen too easily to the advice of people who call themselves practical and sensible men of the world—"to mind simply your own business and to let public interests take care of themselves"; ("Hear, hear" and applause) for obedience to this teaching may bring you wealth and prosperity, yet you will find as you "daily travel further towards the east," that the fruits of this success will crumble into your mouth like Dead-Sea apples, unless sweetened by the reflection that you have tried to exert yourselves, to some extent at least, to repay

the debt you owe to the land of your birth and of your prosperity. (Loud cheers). Not that I ask you to set about to become reformers and patriots in hot haste, for that may be as mischievous as apathy or indifference, but that you should take an active and intelligent interest in such public affairs as pass around you. You have referred, Sir Jamsetjee, to the Municipal Bill*, which is now before the Legislative Council. This is neither the time nor the occasion to discuss it. But I will make a frank confession as to the attitude of mind with which I approach the discussion of this Bill, and that is, one of some jealousy. ("Hear, hear" and cheers). Those of us who have been connected with the present Municipal Act† ever since it was passed, have come to regard it with pride and affection. (Cheers). It owes its origin to the public spirit of Bombay, as many of us will remember who recollect the excited reform debates in the Town Hall in 1871. The voice of the people and the wisdom of Government had each its due share in the discussion and settlement of the principles on which it is based. Its working has been attended with conspicuous success—(Cheers)—which has not only been honourable to the city—(Renewed cheers)—but has served to suggest and stimulate as Lord Ripon—(Loud cheers)—publicly declared, the extension and development of Local Self-Government throughout the whole of India. ("Hear, hear" and cheers.) When, therefore, such an Act is asked to retire in favour of a new-comer which promises greater benefits and greater success, I am prepared to give it a sober welcome—("Hear, hear")—but only after a strict scrutiny into its credentials—("Hear, hear" and cheers)—and only after a well-founded assurance that we are not going to imperil the good we have got, in search of a better, which after all may prove illusory and deceptive. (Loud cheers.)

I again thank you, Sir Jamsetjee and gentlemen, most warmly for the honour done me to-day.

LOCAL SELF-GOVERNMENT IN INDIA.

ENGLISHMEN'S APATHY.

Mr. Grattan Geary, ‡ the Editor of the Bombay Gazette, addressed a large and representative meeting of the electors of Bombay, in support of his candidature for the vacant seat in the local Corporation, on 5th September 1887. The Hon'ble Mr. Pherozeshah Mehta, who presided, in opening the proceedings said—

Gentlemen,—I have to perform the task this evening of formally introducing to you a gentleman who really needs no such introduction—a gentleman whom you have known long and intimately. (Applause.) Mr. Geary has taken a place among the

* Bombay Municipal Act III of 1888 which has been described as the Magna Charta of Municipal freedom.

† Bombay Municipal Act III of 1872.

‡ Editor of the Times of India and subsequently of the Bombay Gazette. He was an active member of the Bombay Municipal Corporation becoming also its Chairman. "An able writer and an indefatigable worker, he exerted no little influence on public events in India". He died in 1900.

most active and valuable citizens of this town. (Applause.) It has been a matter of regret to me that a larger number of Englishmen do not take that interest in the affair of this city, which their intelligence, their education, and their independent knowledge of the working of municipal institutions of the West, so well qualify them to do. I remember a remark made recently by the present learned acting Advocate-General* that members of the Municipal Corporation had been acquiring their education in local self-government at the cost of unobtrusive citizens like himself. It struck me that the citizens who so meekly consented to be our victims had the remedy in their own hands, and if they came forward to take that interest in the affairs of the city wherein they had made their home, there would soon be no room for any such complaint. (Applause.) But I must at once proceed to acknowledge that several of our English friends have always identified themselves with the management of the municipal government of this town. Among them, for a long period of time, Mr. Geary, I am glad to say, has been one of the foremost. For many years he has rendered most valuable services as a member of the Municipal Corporation. When I mention his name, I do not do so because he has been the only one, and when I mention the name of another gentleman, I do not do so because there are no others whose services we would recognise—it is because I hope we shall soon see them, both Mr. Geary and Dr. Peterson,† members of the Corporation. (Applause.) Mr. Geary's active participation in the cause of municipal self-government is well known to you all and it would therefore be extremely interesting to hear him on pending questions now under discussion. (Applause.)

Mr. Geary then addressed the meeting.

4th INDIAN NATIONAL CONGRESS.

ELECTION OF MR. GEORGE YULE AS PRESIDENT.

At the 4th Indian National Congress held at Allahabad in December 1888, the Hon. Mr. Pherozeshah Mehta moved (26th December) the election of the President as follows.

Gentlemen,—It is my high privilege to-day to propose the election of the President of the Fourth Indian National Congress. (Cheers.) We already boast of an illustrious roll of Presidents of Congress. (Renewed cheers.) At the first Congress held in Bombay we had for our Chairman my esteemed and respected friend Mr. W. C. Bonnerjee (Cheers), a Brahmin gentleman hailing from Bengal, the land of the Baboos, but whom I am proud to be allowed to call one of my oldest and most respected friends. (Cheers.) Then at the second National Congress, held in Calcutta, we had for our Chairman a Parsee, that "black man" (Loud laughter and cheers.) Mr. Dadabhai Naoroji; only a "black man" in the Marquis of Salisbury's estimation, but for all that a man who is admired, esteemed and loved

* The Hon'ble Mr. J. Macpherson, M.A., Bar.-at-law.

† Dr. Peter Peterson, D. Sc. (Edin.) Professor of Sanskrit, Elphinstone College and Registrar of the Bombay University; edited many Sanskrit works and studied Jain Literature; a prominent member of the Bombay Municipal Corporation and a well-known figure in the educational life of Bombay (1844-1899)

from one end of India to the other (Renewed and vehement cheers); and at the last great Congress at Madras we had for our President a Mahomedan gentleman occupying the highest position, and perhaps the most distinguished Mussulman in India, Mr. Budrudin Tyabjee. (Cheers.) And now, gentlemen, I ask you to add to that illustrious roll, the name, as President of this Congress, of Mr. George Yule. (Loud cheers which were renewed again and again with the utmost enthusiasm.) In the course of my public experience I have heard the names of several public men received with enthusiasm, but the enthusiasm with which you have received the name of Mr. Yule convinces me that I need say but few words in commendation of this gentleman, whom your enthusiastic cheers sufficiently prove that you have already accepted as President of your Congress. (Renewed cheers.) Throughout his Indian career he has won the respect, the admiration and the regard of everybody with whom he has come in contact—Native and European, official and non-official. (Cheers.) It is sufficient for me to say that the positions, the high and respected positions, which he has held as leading member of one of those princely mercantile houses which have helped to make British India what she is, as the elected Sheriff of Calcutta, as the President of that Chamber of Commerce which (in common with other Chambers of Commerce of India) has laboured so persistently to bring about the public discussion of the budget; I say the tenure of such positions is a guarantee of the esteem in which he has been held throughout his Indian career. (Cheers.) But, gentlemen, I will mention only one single instance to show how justly founded this esteem has been. I have already told you that Mr. Yule was Sheriff of Calcutta. The fees of this office are going to be abolished now, but in those days they were large; and how did Mr. Yule employ those fees which were intended to be appropriated to his own use by the Sheriff? In supporting native schools. (Loud cheers.) I say this shows the great, the deep interest, and sympathy with which Mr. Yule has watched the progress and welfare of the people of the country in which his lot is cast. (Loud cheers.) In electing Mr. George Yule you will be doing an appropriate and very significant thing in more ways than one. A great deal of criticism and some little abuse have been showered on us, because we have assumed the name of a National Congress; but in doing so I say we are absolutely doing homage to that bond of union which has brought Englishmen and Indians together (Cheers), paying homage to that civilised British Rule of which we are proud to say we are subjects and citizens, subjects and citizens of one great Imperial Majesty. (Loud cheers.) Then also in another respect Mr. George Yule's election as Chairman of this Congress is most appropriate. We are giving the most complete guarantee of the loyalty, which not only has marked our proceedings during the preceding three Congresses, but which will animate the proceedings of this and, I can confidently predict, every subsequent Congress. (Cheers.) I will not detain you any longer, but will now formally lay before you the proposal that Mr. George Yule be elected President of the Indian National Congress of this year. (Loud cheers.)

The Resolution was seconded and passed unanimously.

SUNDAY MAIL PROTEST MEETING.

A Public Meeting of the citizens of Bombay was held on 18th September 1889 to protest against the proposed alteration of the day of despatching English Mails on Sunday. Sir Charles Sargent, Chief Justice of Bombay, presided. Mr. Pherozeshah Mehta, who was received with cheers when he rose to support the Resolution, viz., "That this meeting protests against the proposed despatch of the European Mails from Bombay on Sunday during a large part of the year as a measure fraught with injury to the moral, physical and material well-being of the community in and beyond Bombay," proposed by the Lord Bishop of Bombay and seconded by the Hon. Mr. R. M. Sayani, spoke as follows.

Mr. Chairman and Gentlemen,—I most cordially support the Resolution which has been placed before you so exhaustively by the Bishop of Bombay. It is said that one touch of nature makes the whole world kin; but it seems to me that there is nothing like a common grievance to bring people together. (Cheers.) And it is a grievance common to us all that has brought us here together, common to all creeds, all classes, and all the communities of this city. We are all threatened—high and low, official and non-official—with the deprivation of an institution which has worked itself into the common life of the city, and which contributes in no small measure to the preservation of its welfare. (Cheers). Whatever difference of opinion there may exist as to the ways in which Sunday is observed in the different countries of Europe, there can be but one opinion as to the character of the weekly day of rest which English people have introduced in India. The Sunday which they have given us is what has been described by a French writer, and truly described as "the respectable, the beneficent and the humane Sunday of England." (Loud cheers). It may be said that the despatch of the English mails on Sunday will not affect the whole population of the city. But it is sure in the end to destory the character of Sunday as a common day of rest, in the way the poet has described, "like the little rift within the lute, that by and by will make the music mute." (Cheers.) I trust, gentlemen, that this our protest will receive the consideration which it so well deserves, though true it is, as we often find to our cost, that it is a far cry from here to India Office. ("Hear, hear"). Instances like the present one have the unfortunate tendency of fostering the belief in the public mind that in all questions involving the conflicting interests of England and her sturdy Colonies, India goes to the wall and can expect no justice. (Cheers.) It may be that many a time and oft this belief is unfounded in particular instances. But that the general belief is not without some justification, is shown by the way in which India has been treated, to mention only a few instances, in the matter of the import duties, the silver-plate duty, factory legislation, and home charges. (Cheers.) But it is a political blunder to be always throwing the sword ruthlessly in the balance. Let us trust that the Secretary of State will awaken to the sacred duty that lies upon him of protecting the interests of the voiceless peoples over whose destinies he presides, among whom, we may remind him, are English people in no way inferior to the colonists of Australia, and who, perhaps, will now learn to recognise, as I am glad the Lord Bishop has already done, that efforts to secure some small measure of organised representation and

power of utterance which may appear to jeopardise the safety of the Empire, may be both reasonable and loyal. (Loud cheers.)

The Resolution was carried unanimously.

CHARLES BRADLAUGH, M. P.
PRESENTATION OF ADDRESSES.

On 28th December 1889 a large crowd assembled in the Congress Hall, Bombay, to witness the presentation of addresses to Mr. Charles Bradlaugh. Mr. Pherozeshah Mehta was voted to the Chair and addressed the assembly as follows.

Ladies and Gentlemen,—I stand here to-night in the proud position—I think I can truly say, in the proud position—of being the spokesman of the peoples of India, in formally giving their welcome to our illustrious guest, Mr. Charles Bradlaugh. (Cheers.) Many and various have been the ways in which greeting and welcome have poured in from all parts of the country, but we are met here to join in one formal welcome the whole voice of the country. (Cheers.) Gentlemen, if you ask me for my credentials I will point to the hundreds of meetings which have been held all over the country, to the telegrams which we have been receiving in shoals, day after day, to the addresses which have poured in upon us from every nook and corner of this vast and various country. And, I think, gentlemen, I can say that I truly represented the feeling of the country the other day, when I said that our hearts were unutterably stirred within us, at finding amongst us Mr. Charles Bradlaugh, restored to health and usefulness. (Cheers.) Ladies and gentlemen, I need not tell you—the people assembled here to-day—what it is that promotes this simple and heartfelt welcome to Mr. Bradlaugh. The country, deeply grateful, enthusiastically appreciates the high and unselfish endeavours, by a gentleman who never saw us before and on whom we have no peculiar claim, to promote its welfare, its prosperity, and its best interests. I am not going to give you a long address to-day. I shall be short, for the simple reason that Mr. Bradlaugh may have time to be long. There is a ceremony to be performed. It is impossible, as I have said already, that all the addresses which have poured in upon us, should be read or presented. The utmost that can be done to-night is, that an address representing the joint united feelings of the country, through the mouths of the numerous representatives that have assembled in this city for the purpose of sitting in the Fifth Indian National Congress, be read. Then all that we can do is to ask the representatives of some of the principal addresses to come up and present them to Mr. Bradlaugh. After that all the other addresses will be taken as having been read and presented.

I will now call upon the much-beloved President of the late Congress, Sir William Wedderburn, to present the address on behalf of the Congress. (Cheers.)

Sir William Wedderburn then read the address which was drafted by a Committee consisting of Messrs. John Adam, Pherozeshah Mehta and W. C. Bonnerjee. Mr. Bradlaugh having replied, the proceedings terminated.

PRINCE ALBERT VICTOR IN BOMBAY.

A Public Meeting of the citizens of Bombay was held on 7th February 1890 for the purpose of arranging a suitable reception for H. R. H. Prince Albert Victor on the occasion of his forthcoming visit to Bombay. The Hon. Sir Raymond West presided. Mr. Pherozeshah Mehta, in supporting the Resolution moved by Mr. Grattan Geary that a Committee [named at the meeting] be appointed to collect subscriptions, to decide on the nature and form of reception, and to appoint an executive committee and sub-committee to carry out the details, spoke as follows.

Mr. President and Gentlemen,—I am called upon to perform the somewhat remarkable feat of supporting a proposition and an object which require no support. (Applause). However we may differ on political and historical matters, whether we hold with Professor Max Muller in the views he has recently so eloquently put forward, or whether we are the fierce fire-eaters who are celebrated in the modern world as Jingoes or worshippers of the sword—(Laughter.)—we are all cordially united in one common sentiment of devotion and loyalty to the Sovereign Lady, who has presided over the destinies of the Empire for more than a quarter of a century. (Applause). And if I may venture to speak from my somewhat intimate knowledge of the people, I will make bold to say that this sentiment of loyalty—borrowing the language of one who knows so well to express noble thoughts in noble language, I mean our Chairman—I say this sentiment of loyalty is no longer " the cold dictates of duty," but " an impulse of love," inspired by that generous regard and affection which Her Majesty has always evinced for the natives of this country, and by the possession of those great qualities and virtues, as " Mother, Wife and Queen," which no other people in the world are so apt to appreciate and reverence as the people of India (Applause). We accept the sending of those nearest and dearest to her as sure tokens of her deep and abiding personal interest in this country. (Applause.) The grateful memories of the visit of the Prince of Wales* are still fresh in the minds and hearts of people all over India. We are not likely soon to forget the way His Royal Highness the Duke of Connaught—(Applause)—has borne himself in his high office during his stay† amongst us and his approaching departure is a source of universal regret among all classes of the Indian Community. We now hail the advent of Prince Albert Victor as a just token of Her Majesty's regard and I have not the least doubt that we shall all cordially co-operate in the endeavours to do honour to so distinguished a guest. (Applause.) I do not know if Bombay would surpass the other great cities of this country in the splendour of her reception; but of one thing I am sure, that it will allow no other city to surpass it in the heartiness and in the enthusiasm of its welcome. (Loud applause).

The Resolution was unanimously carried.

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*H. R. H. The Prince of Wales (King Edward VII) visited India in 1875-76.

†H. R. H. The Duke of Connaught was in command of the Bombay Army from 1886 to 1890.

BOMBAY MUNICIPAL CORPORATION.

THE BOMBAY MUNICIPAL SERVANTS BILL.

As it was expedient to make better provision in the City of Bombay and elsewhere, for the enforcement of regulations regarding certain classes of municipal servants whose functions intimately concerned the public health or safety, and regarding the duties, withdrawal from duty, and leave of such servants, the Bombay Government desired to introduce into the Legislative Council "The Bombay Municipal Servants Bill" (Bill No. 1 of 1890). The Bombay Municipal Corporation having received on 25th March 1890 a copy of this Act from Government for the favour of an expression of its opinion, the former appointed a Committee of six members, including Mr. Pherozeshah Mehta, to report on its provisions. The Committee in their report expressed their approval of the object and scope of the Bill and in doing so submitted a few alterations and suggestions. Mr. Pherozeshah Mehta, who disagreed with his colleagues, in a minute of dissent, wrote as follows.

1. I desire to record briefly the reasons for which I am unable to concur in the above report.

2. It is stated in the "Statement of Objects and Reasons" that "The primary object of the present Bill is not so much to introduce any new obligations, as to provide by legislation the penalty hitherto imposed under Municipal by-laws," and again, "It appears to be necessary to provide by legislation the protection which the repeal of the by-laws has withdrawn." This is scarcely correct. The defunct Municipal by-laws provided only for forfeiture of wages and a fine, a provision perfectly consistent with the general law of contract. The present Bill makes resignation, withdrawal or absence from, or neglect or breach of, duty a criminal offence punishable by imprisonment, which may extend to three months. This can searcely be called a resuscitation of the old by-laws.

3. The provisions of the Bill go far beyond their ostensible object, as generally understood, *viz.*, to provide against strikes. Against *individual* acts, the liability to forfeiture of wages would be an ample safeguard for all practical purposes; criminal punishment, if at all, should be reserved for *combinations*. The penal clauses of the Bill extend to the former as well as to the latter, and in so far goes far beyond the object to be achieved.

4. The Bill is also excessive in another respect. It includes within its penal operation "any wilful breach or neglect of any provision of law or *of any rule or order*, which, as such Municipal officer, etc., it is his duty to observe or obey." Such a provision places the most tyrannical power in the hands of Muccadams, Inspectors, and such other officers, who are not likely to exercise it in the discreetest manner. On the contrary, it will place in their hands an instrument of extortion and tyranny, which they are likly to use constantly.

5. The Bill hardly treats the Municipal servants within its operation as human beings. Under Section 3, Clause A, a Municipal servant who absents himself without permission is liable to all the penalties, except in case of *illness or accident*

disqualifying him for the discharge of such duties. He is not excused even if, *for example*, the death or illness of a father, mother, child, etc., may have indispensably occasioned his absence.

6. Among the details of the Bill it is not observed that the length of notice required—two months—is calculated to entail very serious hardship. A man may lose all opportunity of bettering his prospects, if he could not leave till after two months. It must be borne in mind that the Bill applies not only to *mahars* and *halalcores*, but to a variety of other people.

7. There is a recommendation made in the first report to include servants of *contractors* in the operation of the Act. I cannot imagine a recommendation more thoughtlessly or recklessly made. It has not occurred to the Committee that such a provision would be an engine of terrible oppression in the hands of contractors, who are not always the most honest and scrupulous of men.

8. I have also the strongest objection to such power being given to Government as is provided in Section 5.* I am quite prepared to trust to the members of Government as gentlemen of honour and culture, but I am not prepared to regard them as always unerring and unprejudiced, and above the frailties which are the lot of even the best of men.

9. The Bill is a piece of that plausible repressive legislation, which experience has shown to be not only of doubtful efficacy with regard to the purpose for which it is directly designed, but is fruitful of indirect consequences entailing mischief in unexpected directions. It may or may not succeed in repressing strikes for which it is directly designed. But it is sure to become an instrument of constant and daily use in the hands of the lower class of officers such as Muccadams and others of extortion and oppression, and in the end is likely to incite the goaded men to the very strikes, which are sought to be repressed, only that they would be of a more serious and aggravated character. In asking for such a Bill, only the fact of the late strikes is borne in mind. The lessons taught by the circumstances and causes which led to them are entirely thrust out of sight. There were two facts elicited by the Committee from the Health Officer, which the Report does not at all consider or take into account. One was that the first of the two recent strikes was owing to the extortion and oppression practised upon the men by the *Muccadams*; and the other, that the second strike was a factitiousone instigated by the *Muccadams* to prevent an investigation and exposure of their misdeeds. I have shown above that the Bill goes far beyond the object in view. Its provisions will not succeed in accomplishing that object; on the contrary, they are calculated to defeat it, besides entailing other mischievous consequences. If legislation is thought to be indispensable for the object in view, the utmost extent to which it should go is to render *combinations and the abetment and instigation thereof* unlawful and liable to punishment.

17th July 1890. PHEROZESHAH M. MEHTA.

* That it shall be lawful for the Governor-in-Council to declare from time to time that any specified ... of duties which concern the public health or safety, shall be deemed to be included in the Schedule ... is Act, etc.

FAREWELL ADDRESS TO LORD REAY.

The members of the Bombay Presidency Association gave a farewell Entertainment to Their Excellencies Lord and Lady Reay at the Esplanade House of Mr. J. N. Tata on 11th April 1890, and presented His Excellency with an Address which was read by Mr. Pherozeshah Mehta, the President of the Association. "The Address is the most weighty and the most interesting and instructive. It is conceived in excellent taste and does credit to the pen of Mr. Mehta, a born draftsman in the art of preparing an Address or drawing up a Memorial." KAISER-I-HIND.

The Address runs as follows.

To

HIS EXCELLENCY THE RIGHT HONORABLE SIR DONALD JAMES MACKAY, LORD REAY, LL.D., G.C.I.E., G.C.S.I.,

Governor and President in Council, Bombay.

May it please Your Excellency—

We, the President, Council and Members of the Bombay Presidency Association, beg leave to approach Your Lordship, on the eve of your retirement from the Government of this Presidency, to express the deep sense we entertain of the ability, wisdom and success, with which you have carried on the administration of this Presidency during your term of office. We do not propose to enter into a detailed enumeration of the various measures which have obtained for Your Lordship wide-spread reputation as a wise, sober and practical statesman. On the one hand, your administration has been marked by a loyal and careful regard for the restraints and limitations which surround the head of a provincial Government, and by a prudent admission of the necessity to preserve a certain continuity of policy; and, on the other hand, you have always kept in view the claims of gradual advancement, and even of measured reform, according to the progress and enlightenment of the times. (Applause.) We can gratefully remember that, while deprecating and avoiding all sudden changes or violent reforms, you have always borne in mind that a wise and enlightened administration, especially in this country, can only be founded upon the sincere and sympathetic acceptance of the principles of justice, liberality and righteousness, upon which the declared policy of the crown in India is now irrevocably, as it was deliberately, based. Your Lordship has always treated with justice and sympathy, all claims and aspirations of the people of this Presidency, based on such principles, and commensurate with their progress and enlightenment. (Applause.) In common with all the people of this Presidency, we have observed, with increasing respect and admiration, the untiring assiduity, the conscientious care and the high sense of duty, which you have constantly brought to bear on the discharge of the arduous and laborious duties of your high office.

While visiting in person every part of this Presidency, no Governor has more willingly lent a ready ear to the voice, even of criticism and complaint, nor more cheerfully responded to the numerous calls on his time as you have done, to encourage by your presence, the foundation or inauguration of all sorts of works and projects of public utility, such as hospitals, medical and industrial schools, asylums, laboratories, railways etc. which, even when originating in private benefaction or the enterprise of Native States, owe their existence in no small measure to your wise counsel, direction, encouragement and co-operation. (Applause). Your Lordship's name will be indissolubly connected with the promotion of industrial and technical education in this Presidency; and the establishment of the Victoria Jubilee Technical Institution, in the splendid manner in which Your Lordship has contrived to inaugurate it, will always remain a monument of Your Lordship's sagacity in putting the industrial progress and welfare of the Presidency on a sound and permanent footing. Your Lordship's Government has always helped in every way the cause of medical education and medical relief, and the establishment of the Albless Obstetric Hospital, the Nusserwanjee Jehangir Wadia Hospital for Women, the Avabai Quarters for Nurses, the Sir Dinshah Petit Hospital for Children, the Cama Hospital for Women, the Sir Dinshah Hospital for Women, the Bacteriological Laboratory, Quarters for trained Nurses at the Hospital, the Lady Avabai Hospital, the Lady Sakerbai Hospital, the Sir Dinshah Petit Laboratory, the Sir Dinshah Petit Leper Asylum, and other institutions in which private benefaction and Government aid have mingled so wisely and liberally,—will long testify to the beneficent and philanthropic character of Your Lordship's period of office. (Applause). We are aware that the restricted resources at your disposal have not enabled you adequately to do what yet remains to be done for the cause of secondary and higher education, but we trust that the noble Lord who succeeds you in your high office, will know from you that much yet remains to be done to render secondary and higher education of that real and efficient character which, as Your Lordship pointed out in one of your Addresses at the Convocation of the University of Bombay, is the best guarantee for turning out loyal and useful citizens. (Applause). Surrounded by accomplished councillors and assisted by able officers, Your Lordship has endeavoured to look for yourself at public questions from all points of view, and, with that object, has, without any narrow prepossessions, welcomed every information and consulted every source which could throw light upon the real wants, wishes and opinions of the people. In no Presidencies have the appointments made to the Legislative Council been generally received with such satisfaction and approbation as those made by Your Lordship. The liberality of Your Lordship's mind has never been more conspicuous than in the spirit in which you have welcomed and utilised all criticism. This city is largely indebted to Your Lordship for placing its municipal constitution on a sound and liberal basis. (Applause.) The Bombay Municipal Act of 1888 finally vested the Government of the City in the Corporation, upon principles sound in theory and tested by long experience. It is worthy of observation that the people of Calcutta are beginning to ask that their municipal constitution should be modelled on that of Bombay.

("Hear, hear" and applause.) But, my Lord, no measures of Your Lordship's Government have secured more cordial approbation from all sober, dispassionate and unprejudiced people, than those taken by you to punish misconduct and root out corruption, in however high quarters they were found to exist. Your Lordship has performed an invaluable service in probing and exposing a long festering sore of unexampled corruption,* with a noble rectitude of aim, an unflinching determination of purpose, and a steadfast disregard of all prejudice, which are beyond all praise. When the clouds raised by interested misrepresentation, ignorance and party spirit have rolled away, we feel sure that it will be perceived that Your Lordship's action has been in the true interests, not only of the people of this country, but also of the real prestige of Her Majesty's Indian Services and of the English name which was being grievously undermined by the impunity with which misconduct was for long suffered to flourish. We may be permitted, my Lord, to say that no greater political service can be performed by a Governor than that of winning the respect, confidence, affection and admiration of the people over whom he rules, because there is no surer way of promoting and stimulating their loyalty and contentment, and thus strengthening the foundations on which the safety and permanence of the Empire may most securely rest. Your Lordship has been eminently successful in this respect, and your name will be long cherished in the hearts of the people of this Presidency, along with those of the best, the wisest and most illustrious of your predecessors. It has been a matter of congratulation to us, as it cannot fail to be a matter of just pride to Your Lordship, that your fame is spread over the whole country, and that, during the period of Your Lordship's rule, whenever the other Presidencies had to speak of a model Governor, they have envied—though in a generous spirit—the good luck of Bombay.' (Applause).

We cannot conclude the Address without gratefully referring to the noble work done in India by Her Excellency Lady Reay—(Applause)—for the cause of female medical relief and female medical training and education. Her Ladyship has thus not only helped to alleviate human suffering, but, we venture to think, has contributed in no small measure to promote the cause of female education and of female emancipation than which there is no question of more vital or far-reaching importance in this country. (Applause).

And now, my Lord, we must bid a sorrowful farewell to Your Lordship and Lady Reay. We wish you both a prosperous and happy voyage, and pray that health and strength may long be spared to you to enable you to devote your great talents and abilities to the public service of your own land and of this country, where you will be for ever remembered with grateful feelings of affection, esteem and admiration. (Loud cheers.)

* This allusion has reference to the appointment of a Commission, by Lord Reay's Government, under Act 37 of 1850 to inquire into the charges of corruption against Mr. Arthur Crawford, Commissioner, C. D. of the Presidency of Bombay and the issuing of a Resolution holding them proved. This was keenly resented by the Anglo-Indian Press and efforts were made from certain quarters to bring Lord Reay's Government into discredit.

SYSTEM OF APPOINTING UNIVERSITY EXAMINERS.

A Meeting of the Bombay University Senate was held on 11th July 1890. Dr. Mackichan, the Vice-Chancellor, who presided, said that the Meeting had been called in response to the requisition addressed to him by certain members of the Senate in a letter dated the 14th April. That letter dealt with the subject which was brought before the Syndicate in a note of Mr. Pherozeshah accompanied by a Memorandum, on which the Syndicate had passed a certain resolution. In accordance with the by-laws, Mr. Pherozeshah and others had requisitioned the present Meeting, and the Senate proceeded to discuss the motion of which he had given notice. Mr. Pherozeshah then said—

Mr. Vice-Chancellor and Gentlemen of the Senate,—

I beg to propose "That a Committee of the Senate be appointed for the purpose of enquiring into the working of the present system of appointing University Examiners, and suggesting such improvements and reforms as might appear desirable and practicable." Gentlemen, in bringing this subject before the Senate I might at once be allowed to say that I do not appear here as a revolutionist or a revolutionary firebrand as I have heard myself called but I have come here as an evolutionist. (Laughter). Since the foundation of the University, everything connected with it has undergone some change, some reform or some revision. The standard of examinations has very often been revised and improved; the by-laws have many a times been subjected to revision; and even the cut and the colour of the academic gowns have undergone some alterations. (Laughter). The only thing, I believe, that has remained entirely unchanged is the way in which the examiners have been appointed for the purpose of carrying out careful and elaborate standards of examinations. I hardly need inform the members of the Senate that the way in which the examiners are appointed from the beginning up to the present time, is a very simple one. I will presently refer to the rules and regulations of the University with regard to the appointment of examiners, but I do not think I would be contradicted when I say that, so far as the practice is concerned, the system, if it can be called a system, hitherto obtaining, is to leave it entirely to the discretion of the Syndicate to appoint the examiners. That practice was good enough in the beginning when we had no experience to guide ourselves by, and when the area from which the examiners were to be appointed, was limited. It was right and proper that a body like the Syndicate should be left without any restrictions or limitations to appoint the examiners; but I think the time is now come, if it has not been overdue, when stock should be taken of the experience which has been acquired in that respect. The area from which the examiners are appointed has been considerably increased and extended, and I think that the time has now arrived when we should take advantage of the experience we have acquired and see if it were not possible to improve some of the defects in the system of appointing the examiners. These defects can be summed up under three heads. The first is that there is no guarantee whatsoever as to the preservation of the equality of standards, if I may say so, from year to year. There is no guarantee,

for example, with regard to the Matriculation Examination, that the standard, candidates are subjected to in a particular year, will be the same standard by which other sets of candidates will be examined in the year following. There is thus no guarantee at all for the quality of standards. Secondly, there is no guarantee whatsoever by which, what I may call, the equivalents of standards with regard to the alternative subjects would be preserved. I take a concrete instance by way of illustration. Say, for example, one student takes Latin and the other Persian or French. There is no express or understood rules by which the examiners are at present guided in requiring the same standard of proficiency from a candidate who has taken up Latin, as also from a candidate whose second language is French or Persian. Under the present system it is quite possible that a candidate who has been well grounded in the study of Latin may fail; while a student, who does not possess the same amount of proficiency, though he may come up to a certain standard in another language, may pass. To my mind this inequality of treatment is quite unjust and objectionable. Under the third head I would place the need for some revision as to the competence and qualifications of examiners. While on this head, I assure the Senate at once that I am not going to say anything personal, and I hope that no member would in the course of discussion, make any personal observations whatsoever. Everybody who is appointed an examiner considers himself to be a competent and qualified examiner and upon this point I would like to read a passage from Herbert Spencer's "Study of Sociology" to show how misguided such a notion is.

(Reads.)

Herbert Spencer among other things also said that "examiners and specially those appointed under recent systems of administration, habitually put questions of which a large proportion is utterly inappropriate." I learn from a reliable source that one of our judges not long since found himself unable to answer an examination paper that had been laid before law students. A well-known Greek scholar, editor of a Greek play, who was appointed examiner, found that the examination paper set by his predecessor was too difficult for him to answer. Mr. Froude, in his inaugural Address at St. Andrew's, describing a paper set by an examiner in English History, said—"I could myself have answered two questions out of a dozen. And I learn "from Mr. G. H. Lewes that he could not give replies to the questions on English "literature which the Civil Service Examiners had put to his son. Joining these "testimonies with kindred ones coming from students and professors on all sides, "we find the really noteworthy thing to be that examiners, instead of setting "questions fit for students, set questions which make manifest their own extensive "learning, especially if they are young and have reputations to make or to justify. "They seize the occasion for displaying their erudition, regardless of the interests "of those they examine." Gentlemen, without desiring to make any personal observations, I earnestly wish that the qualifications of examiners should be of a higher order. It is not everybody who has taken an University degree, that is qualified to become an examiner. Several persons who are connected with the

different educational institutions, and even some of the members of the Syndicate themselves, are of opinion that there are defects of the character I have pointed out in the system of appointing examiners. I ask the members of the Senate, under the circumstances, whether the time has not come when the preservation of the guarantee referred to by me should no longer be left to tradition and to unwritten rules handed down from one Syndicate to another, but that it should be reduced to systematic and definite determination? Taking this view of the matter, I put myself into communication with the Syndicate, and wrote a letter to them asking them if the time had not come when a Committee of the Senate should be appointed to consider the subject. That letter was accompanied by a short Memorandum in which I pointed out, among other things, that under the Act of Incorporation, the power of appointing examiners was vested in the Chancellor, Vice-Chancellor and the Fellows of the University. One of the by-laws provides that it will be the duty of the Syndicate, subject to the revision and control of the Senate, to appoint and, if necessary, to remove the examiners and other officers of the University. So far as the by-law, which relates to the revision and control of the Senate on the examiners, is concerned, it is practically a dead letter. The answer to my letter by the Syndicate was that, under the by-laws, the Senate had no power to act on their own motion but that they could only act through the intervention of the Syndicate. Now, the Syndicate appoint examiners just about the time, that is to say, a fortnight or a month before the examinations are held. If the Senate wish to exercise control or supervision, how can they possibly do so? The Syndicate who appoint the examiners, never report to the Senate that the appointments are made. In fact, the Syndicate did nothing by which the Senate might be able to know that the subject of the appointment of examiners was before them. If the Senate ask the Syndicate to move in the matter in a particular manner, but if the latter do not choose to answer them, the former must, under the rules, wait for three months before the subject can be brought forward again before the Senate and it must further be remembered that in order to call a meeting of the Senate at least 15 days' notice is necessary. Under the existing by-laws that is the only way in which the Senate can be moved with regard to the power of control and revision given to them. The by-law is accordingly entirely a dead-letter and the Syndicate are partly reponsible for having made it so. The Senate, when they made such a by-law, must have contemplated that after the appointments of examiners had been made by the Syndicate, they should be submitted to the Senate and that the latter body, unless their interference was imperatively required, would accept the appointments without demur or discussion. The only answer that the Syndicate was pleased to send me through the Registrar in reply to my letter and Memorandum was that I was directed to be informed that the Syndicate was unanimously of opinion that no change of the kind suggested in the letter was called for. The Syndicate seemed to have believed that I was guilty of a great deal of impertinence in making the suggestions I had made. It is quite natural that people who are entrusted with certain business, not only members of the Syndicate, qut members of all old and long-standing bodies, always think that no system can be

devised by which their work can be done better than they did. It is a very natural position for the Syndicate to take that they do their work to their own entire satisfaction, and that it is a piece of presumption on the part of others to suggest any change in the mode of the performance of their duty. I venture to say that the reply sent to me through the Registrar is rather illogical. I asked them to consider whether the Senate might not be moved for the appointment of a Committee, and their answer certainly was not a reply to my question. For instance in my Memorandum I asked them if it was not desirable to appoint a Board of Examiners to supervise the examination papers, and to see that the examiners adhered to the same standard. In the state of society in Bombay it is not always possible to secure the same examiners. There must be a body of men to guide inexperienced examiners who, either hastily or rashly or unknowingly, introduce new standards in the examinations to the utter disappointment and discomfiture of the candidates. As my suggestions had been scouted by the Syndicate whose anger in respect of my letter had got the better of their judgment, I thought it better to place the matter before the Senate. I think I have made out a good case for the appointment of a Committee for the purpose of enquiring into the working of the present system of appointing the examiners, and I hope that the Senate would agree with my proposal. ("Hear, hear.")

After some discussion, the Proposition was put to the vote and carried and on the motion of Mr. Pherozeshah, a Committee was duly appointed for the purpose of enquiring into the working of the present system of appointing examiners and suggesting such improvements and reforms as might appear desirable and practicable.

PRIMARY EDUCATION IN BOMBAY.

At the Meeting of the Bombay Corporation held on 24th November 1890, Mr. T. B. Kirkham, the Government Inspector of Schools, moved. "That the Corporation do authorise the Joint Schools' Committee to take over the Sir Mangaldas Nathubhoy Gujerati Hindu Girls' School on the terms and conditions of the Trust and henceforth to admin ster the same as a Municipal School vesting in the Corporation." Mr. G. W. Roughton thereupon moved the following Amendment:—"That before the Corporation au horised the Joins Schools', Committee to take charge of the Sir Mangaldas Nathubhoy Gujerati Hindu Girls' School a Committee consisting of Messrs. Pherozeshah Mehta, Wacha, Kirkham, Roughton, Dr. Blaney and Dr. Cawasjee Hormasjee be appointed to consider whether the Corporation has any power to become or authorise the Joint Schools' Committee to become a trustee of the said School and its funds" etc. etc. etc.

Mr. Pherozeshah in seconding the Amendment said that it was extremely necessary to know what responsibility they were about to undertake as Mr. Kirkham might unconsciously be asking the Corporation to accept a serious liability in the guise of an endowment. Referring to this question the following letter from the pen of Mr. Pherozeshah, appeared in the Bombay Gazette.

To The Editor, The Bombay Gazette,

Sir,—Your to-day's editorial on the incidental debate on primary education in the Municipal Corporation, enables Mr. Kirkham to see his vindication of Government

and the Educational Department placed before the public, while those who challenge it had no opportunity of being heard. I, therefore, trust that you will allow me to say a word on the other side. It has at length dawned upon Mr. Kirkham that his zeal for the promotion of primary education in Bombay has carried him away a little too far, and he has begun to realise that curses, like chicken, come home to roost. His eloquent denunciation regarding the disgraceful and discreditable state of the primary schools in this city, has recoiled on the heads of Government and his own department. These schools were in the charge of Government till last year. And if Mr. Kirkham is correct, they have been kept and maintained by Government all these long years in a condition of which we have reason to be thoroughly ashamed. It is impossible to imagine a more unequivocal condemnation of the way in which Government discharged one of its most important duties. Ever since this unexpected result of his excessive zeal for primary education was brought home to Mr. Kirkham's mind, he has been in search of an apology for Government and his department. Like the immortal Captain Bunsby, he at length delivered himself of it at Monday's debate in the most approved oracular fashion. Captain Cuttle could not be more delighted than you are at the profound sagacity of the deliverance. Could a trustee for half a lakh be expected to lay out a lakh, asks Mr. Kirkham triumphantly; and you add that Government simply administered the funds that were placed at their disposal by the Municipality. Mr. Kirkham seems to have deeply studied the Law of Trusts. You must, however, hold with Captain Bunsby that the bearings of the proposition which he has derived from that law "lays in the application on it." Is the allegation on which the analogy is founded a true and correct one? The fact happens, however, to be exactly the contrary of what you assume. Before the present Municipal Act III of 1888 was passed, the duty of maintaining, or contributing to the cost of, primary education in the city did not lie on the Corporation. It only made such voluntary contributions as it pleased. The duty lay entirely on the Government, though it was not precluded from accepting aid from whatever quarter it came. The burden and responsibility of looking after primary education in this city in the manner in which an enlightened Government was bound to do, remained entirely with Government till the present Act was passed, by which they are divided between Government and the Corporation. Surely Mr. Kirkham cannot have forgotten that one of the objects laid down in the local self-government despatches of the Government of India was to transfer this duty from the Provincial Governments to local bodies, subject to the proviso that a sufficient portion of the provincial funds should at the same time be handed over to these bodies for the purpose.

If this fact is carefully borne in mind, Mr. Kirkham's apology, denuded of its false feather, is substantially tantamount to a plea of guilty.

Yours etc.,

Nov. 25. PHEROZESHAH M. MEHTA.

Mr. Kirkham having replied to the above letter in the Bombay Gazette of 28th November, Mr. Pherozeshah again wrote to that paper as follows.

To The Editor, The Bombay Gazette,

Sir,—The subject of the respective obligations of the Government and the Corporation with regard to the primary education in the City of Bombay is of such general public interest that I need make no apology in begging you to allow me to reply briefly to Mr. Kirkham's letter, which appears in your columns to-day. A very few words will suffice. Mr. Kirkham is a skilful and practised controversialist, and I trust he will permit me to congratulate him upon the admirable gravity with which he dilates upon a number of facts as proving his position, but which not only do nothing of the sort but actually establish the contrary. A close observer cannot however, fail to detect a merry little twinkle in his eyes, while he is devoting two long paragraphs to remove imaginary misapprehensions which have never existed, to impart information about the ways of the Educational Department which though extremely interesting, is not particularly relevant, and to protest against the rise of rhetoric by anybody but himself. He is compelled, however, ultimately to come to one at least of the real points at issue, *viz*:—Whether this city "has had its fair share of the educational allotments." There is a larger question involved in the controversy which Mr. Kirkham fights shy of, namely, the inadequacy of the educational allotment in itself; but, taking him even on the narrower ground on which he takes his stand, I venture to accept the challenge which he throws out, when he says—"But surely anyone who disputes the fairness of the allotment, assigned to Bombay is bound to state what the amount ought to be, and to show, moreover, the principles by which his result has been reached." Mr. Kirkham says that his own calculation proceeds on the basis of population as the fairest on the whole. But the fairness of this method of calculation involves the assumption that the liability of Government to contribute to the cost of primary education in Bombay was the same as in the rest of the Presidency. But it is however a fact which even Mr. Kirkham cannot deny, and to which the Indian Statute Book testifies, that this liability is different in the one case from what it is in the other and that there is no room for the application of the principle of apportionment at all. Mr. Kirkham has himself told us how this is. Since the Local Cess Act of 1869, the Mofussil Districts have had the obligation imposed upon them by law, of contributing 2 per cent on the rateable value of property for the provision of primary education. In their case, the only liability remaining with Government is to supplement this levy to the point of adequacy. Mr. Kirkham himself is obliged to admit that in the case of Bombay no legal obligation at all was imposed till the passing of the present Municipal Act of 1888. Has Mr. Kirkham asked himself the question why this distinction was allowed to exist for such a length of time? Government had two clear opportunities since 1869 of imposing a similar obligation on this city, firstly, when it passed the Bombay Municipal Act of 1872 and, secondly, when it renewed and revised that Act in 1878. Why then was it not done? Why were Government, anxious as they always are to shift financial burdens from their

own shoulders, so unaccountably partial to Bombay that they left a city on which they have not unfrequently cast covetous eyes as the richest city within their jurisdiction, to dole out such voluntary contributions as its Municipal Corporation chose to do in their uncontrolled discretion? Surely the reason is not far to seek. Government had imposed burdens on the city heavier ones by far, which they had not cast on the Mofussil districts and cities. This city alone has had to defray burdens from its local revenues, which were borne by the general revenues with regard to the rest of the Presidency. I will cite only one example, that of the cost of the police. We have had to pay more than two lakhs for police charges every year, while the cost of the entire mofussil police is defrayed out of the Provincial revenues. If Bombay was not saddled with the legal obligation of contributing to the cost of primary education, as in the mofussil, it was simply because other and more onerous burdens were laid on its shoulders. Any attempt at doing so would have been exposed to an inconvenient cry which could scarcely be resisted with any show of justice or fairness; for the adjustment and equalization of other burdens Government prudently made no such attempts in their new Municipal legislation for this city. And thus it is that the liability to adequate provision for primary education in the city, unlike that for a similar provision in the mofussil, continued to rest with Government. It is from this difference in the character and extent of the respective abilities of Government in the two cases that the right of the city arose for a special, and not a proportionate treatment in the allotment and distribution of the Government grant for primary education. I think I have now shown, in answer to Mr. Kirkham's challenge, the principles on which I justify the claim for a separate treatment for this city; and it follows that the duty of Government under such circumstances was to make such a grant as, with the help of fees and the voluntary contributions made by the Municipality, would have sufficed to place primary schools on a progressively satisfactory basis. But what has been the real extent of the grant made by Government year after year? We have Mr. Kirkham's emphatic testimony on that point. It has been so grossly inadequate that he cannot find words sufficiently strong to denounce "the discreditable and disgraceful condition" of the primary schools of the city. Am I or am I not justified in saying that Government are judged and condemned out of the mouth of one of their own Educational Officers and that one so well-known for his zeal and ability?

One word more, as not quite inappropriate in this controversy, with regard to the contention which the Corporation has submitted to Government in this matter. Mr. Kirkham, I am sure in perfect good faith, talks as if the Corporation refused and refuses to do its duty in regard to primary education. Nothing can be further from the truth. It is ready and willing, nay, anxious to discharge the function imposed on it by the new Act. It accepts the new obligation cast upon it, but it asks Government to fulfil the distinct and reiterated pledges and declarations which accompanied the new legislation *viz.*, that they should release an equivalent amount of revenue to enable it to discharge the new and additional burden. I hope what I have said above has made it clear that the revenue to be thus released must be something different from the grossly inadequate grant made in previous years.

Nov. 28. PHEROZESHAH M. MEHTA.

RIPON CLUB ENTERTAINMENT TO Mr. PHEROZESHAH, 1890.

The Ripon Club of Bombay entertained on 19th December 1890 Mr. Pherozeshah Mehta in token of his great services to the City and to the Country generally and in view of his departure to Calcutta to preside at the 6th Sessions of the Indian National Congress. Mr. Sorabjee Framjee Patel, who took the Chair, proposed the toast of the evening to which Mr. Pherozeshah replied as follows.

GENTLEMEN,—I thank you most heartily for the high honour you have done me in giving me a public Dinner prior to my departure to Calcutta on a political mission. This is an honour greater than I deserve and I only wish, as Burns has said, that I might see myself as others see me. Despite the services I may have rendered to my countrymen, I am conscious, unmistakably conscious, of many a broken hope and many a failure for which I can only express my disappointment and regret. But, as the Chairman has just said, if the rising young men wish to follow in my footsteps, then it would be still better for them to take the noble and self-sacrificing example of my revered seniors, after whom I have shaped my public life, the late Mr. Nowrozjee Fardoonjee, * the Tribune of the People, and the Grand Old Man of India, who is devoting his old age in England to obtain a seat in the mother of Parliaments. It is a rare spectacle, the activities of Dadabhai Naoroji, of that venerable and placid figure, who at his great age is now wooing the Finsbury Constituency with a perseverence, sacrifice and self-abnegation which are beyond all praise. And for whom is he undergoing all this trouble and worry and anxiety at such a time of his life when others of his age are prone to seek the bowers of retirement and seclude themselves away from the politics of the day? For whom? Not fortunately for Bombay alone but for all India irrespective of race or creed, caste or colour. It is the example of such unique personalities that the coming generation should strive to emulate and the Chairman might have done well to have referred the younger members of this Club to follow in their footsteps rather than in the footsteps of my humble self.

You will not, gentlemen, expect a long speech from me on this occasion. Those of you who are anxious to hear me on the questions of the day, might satisfy your desire by reading my Presidential Address which I will deliver shortly at Calcutta whither I am going to preside over the deliberations of the Congress. Nothing therefore now remains for me but to thank you warmly, gentlemen, once again, for the very kind manner in which you have referred to my services, not forgetting those connected with the Club itself of which I am one of the founders; and if, as you say, I have succeeded in doing some abiding good to the Country which has given me birth, I consider my services thoroughly and entirely compensated. (Loud cheers.)

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* Nowrozjee Fardoonjee began life as a teacher at the Native Education Society's School at Bombay and subsequently became Assistant Professor of the Elphinstone Institution He was the leader of the "Young Bombay" Party and was instrumental in establishing the first girls' school, native library, literary society, debating club, political association, institutions for social and religious reforms, law association and the first educational periodicals. A prominent member of the Bombay Municipal Corporation, he devoted his life in improving the condition of the poor and was nicknamed "The Tribune of the People" He thrice visited England and lectured before the East India Association gaining the high opinion of eminent Englishmen. (1822-1885)

6th INDIAN NATIONAL CONGRESS.

CONGRESS AND GOVERNMENT OFFICIALS.

At the 6th Indian National Congress held at Calcutta in December 1890, the Hon. Mr. Pherozeshah Mehta, the President, in opening the 3rd day's proceedings on the 29th December and in asking Mr. P. Kennedy to propose the 5th Resolution regarding the Reduction of Salt Duty, said—

GENTLEMEN,—We have an extensive bill of fare before us, and must fall to with good appetites. (Laughter). There is no time to be lost, and I will call upon Mr. Kennedy to hand round the first dish, which at any rate will not be wanting in salt. (Cheers).

Later on in putting before the Meeting the 7th Resolution protesting against orders prohibiting Government Officials from attending the Congress even as spectators, Mr. Pherozeshah said—

I think, gentlemen, I may now put this Resolution. I think you will all agree with me, that whether Mr. Yule's charitable hypothesis be correct or not, the matter is one of very little importance to us. (Laughter). It may involve the gravest discredit to Government ("Hear, hear"), and we are bound to give them an opportunity of extricating themselves from the undignified and ludicrous position, if not worse, in which these precious orders apparently place them; but beyond this, so far as we are concerned, the matter having served to amuse us for an hour, may be dropped. (Loud cheers and laughter). Shall I put the Resolution? ("Yes, yes: Vote!").

The Resolution was carried by acclamation.

The President (dissolving the Congress):—And now, gentlemen, our long list of Resolutions has come to an end—the dishes have all been handed round and the banquet is over. (Laughter and applause).

FAWCETT MEMORIAL FUND.

Mr. William Lee-Warner, who some years later became a member of the India Council, wrote to the Times of India of 3rd February 1891, that—"A few years ago the voice of Ind a was raised to the highest pitch in deserved eulogies of 'the Blind Member for India,' and a movement which seemed really to have the heart of India behind it, was organisd to commemorate the name of Mr. Fawcett." Continuing he said that long speeches were delivered "and the management of the movement and the collection of a sum worthy of India's gratitude was wisely left in the hands of India's sons." Further, that he made repeated endeavours to ascertain what contributions were promised, what were collected, and to what object they were devoted—that he even wrote to the Honorary Secretaries without result. Finally Mr. Lee-Warner inquired of the Editor whether any of his readers would inform the public what had become of the contributions.

Mr. Pherozeshah Mehta who was one of the Honorary Secretaries replied in the Times of India as follows.

TO THE EDITOR, THE TIMES OF INDIA,

Sir,—I happen to be one of those miscreants on whom Mr. Lee-Warner is so playfully sarcastic in his yesterday's letter to you on the subject of the Fawcett Memorial Fund. It is difficult to imagine that a critic who so eloquently held forth, not long ago, on the four canons of criticism, should not practise what he preached. Human nature is, however, curiously and wonderfully organised; and it is seldom that preachers set good examples. I should be still very loth to demolish the delusions which, if they have served no other useful purpose, have perhaps been the means of drawing out Mr. Lee-Warner to the great delight and edification of those benevolent minded English friends of ours who in spite of the most charitable endeavours to see some good in him, are sorrowfully driven to confess that the educated native is the most odious and detestable "compound of this earthly ball" which the Creator has ever turned out. But I am afraid that, with his temperament, Mr. Lee-Warner will never be happy till he has managed "to remove the impenetrable veil that seems to hang over the proceedings of those who took charge of the Fawcett Fund" and to expose to the finger of scorn the horrible imposture behind the Prophet's veil. So up the curtain must go.

Mr. Lee-Warner says that "the management of the movement and the collection of a sum worthy of India's gratitude was wisely left in the hands of India's sons." It is true that England's sons wisely left to India's sons the question of money, but they kindly consented to serve on the Committee of management. Mr. Lee-Warner was good enough to say in reply to our letter that "it will afford me the greatest pleasure to co-operate with your Association by serving on the Committee."

Mr. Lee-Warner says that "I have addressed myself to the Honorary Secretaries without result" to find out what had been done. The Honorary Secretaries have never received any such communication.

Mr. Lee-Warner says that "he has made repeated endeavous to ascertain what contributions were promised, what were collected and to what object they were devoted." I wonder what those endeavours were. Several meetings of the Committee were convened, at none of which Mr. Lee-Warner attended. A final meeting of the subscribers to the Fund was called on 2nd May 1890* at which Sir Frank Forbes Adam presided. Mr. Lee-Warner did not honour us with his presence on that occasion. The final accounts were laid and adopted at this meeting, showing that out of Rs. 6,715-4 as. collected, everything had been received except six subscriptions amounting to Rs. 190. It was also resolved at this meeting that out of the balance in hand, after deducting expenses amounting to Rs. 463-0-2 *viz.*, Rs. 6,158-15-8 including interest, Rs. 4,500 be devoted to founding a Fawcett scholarship in the Victoria Jubilee Technical Institute, and the remainder offered to the University of Bombay for the purpose of founding a collection of works on Political Economy, especially in connection with India, to bear Prof. Fawcett's name. Page XXII of the

* The final meeting took place on 2nd May 1889 and not 1890.

Balance Sheet, and page 278 of the second Report of the Institute, 1889-90, will prove to Mr. Lee-Warner how the first part of the Resolution was carried out. The Calendar of the Bombay University, of which Mr. Lee-Warner is a distinguished Fellow, and in the proceedings in which he cannot but be taking a keen interest, will enlighten him as to the second. I need not remind him that all proposals for endowments have to be laid before and sanctioned by the Senate.

If Mr. Lee-Warner is thirsty for more information, I will be happy to supply it to him.

PHEROZESHAH M. MEHTA

Feb. 4. one of the Honorary Secretaries.

BOMBAY MUNICIPAL CORPORATION.

INCOME vs. EXPENDITURE.

At its two sittings in the second week of April 1891, the Bombay Municipal Corporation was occupied in threshing out the motion of Mr. Dinshaw E. Wacha to have a Committee of Retrenchment to investigate into all branches of expenditure and suggest such reductions and economics as might appear most advisable compatible with efficiency. The Hon. Mr. Pherozeshah's strong point against Mr. Wacha's motion was that though expenditure might be growing at a faster ratio than revenue, that was not a circumstance in Municipal finance to create any alarm but that what should be inquired into was whether the expenditure hitherto incurred was justifiable or not. The Kaiser-i-Hind of Bombay having expressed in its columns an opposite view to that taken by the Hon. Mr. Pherozeshah, the latter gentleman explained his position in the following letter to that journal.

TO THE EDITOR OF THE KAISER-I-HIND,

Sir,

In criticizing the action of the Corporation in rejecting Mr. Wacha's proposition for a Retrenchment Committee, you express yourself surprised that I should have spoken and voted against it. Will you permit me to state briefly why I did so?

I need not say that any proposal emanating from my friend Mr. Wacha would always receive from me the most careful and anxious consideration. At the same time you will agree with me that it was his duty, as that of any other member of the Corporation, to make out a *prima facie* case or show sufficient cause in support of it. It is because he completely broke down in doing so, that I felt constrained to oppose his motion.

Mr. Wacha's proposal is no new one. Some years ago, a similar proposal was brought before the Corporation by Mr. K. N. Kabraji. It was in the days when the rights and responsibilities of membership in the Standing Committee had not cooled Mr. Kabraji's burning zeal for reform and retrenchment. He flourished a tremendous array of figures before the Corporation to show the rapid increase of expenditure.

It was however pointed out to him that if a member burnt with the desire to distinguish himself as a Municipal patriot and benefactor, it was not enough to indulge in vague generalities and inconclusive platitudes, but that it was absolutely necessary to go through the more toilsome process of making out a case, supported by valid and appropriate arguments, and by accurate and definite facts and figures.

It is impossible not to recognize that, unlike Mr. Kabraji, Mr. Wacha took great pains to prepare his case before approaching the Corporation. He laid before the Corporation a table of figures and calculations, which must have cost him no small amount of labour to work out. But his figures and calculations so seem to have taken possession of him, that he forgot to bear in mind that it was requisite to go a great deal further, and to show by at least a few instances that there was wasteful, extravagant or unnecessary expenditure which should be retrenched. When my late deceased friend, Mr. Goculdas Jagmohandas, asked for an enquiry regarding the Assessment Department, it was by taking infinite pains to establish several cases of under assessment, that he succeeded in ultimately persuading the Corporation to institute an enquiry.

In asking for the Committee, all that Mr. Wacha tried to establish by his figures was, that, taking the average of five years since 1885-86, the percentage of the growth of the expenditure was larger than that of the growth of the revenue, as compared with the estimates in either case for 1891-92. I am quite ready to confess that this proposition sounds dreadfully alarming. But when you come to collect your scattered wits, and venture to examine it somewhat closely, it is impossible not to perceive that it is an unscientific and inconclusive proposition for the purpose for which it is dragged into service. It proves nothing concerning the character of the expenditure or the necessity for retrenchment. In one view of it, there is nothing alarming at all. Suppose that the revenue in the first year of the period was 30 lakhs and the expenditure 20 lakhs, and that the revenue remained the same, while the *legitimate* expenditure had increased to 25 lakhs, the percentage of the growth of expenditure would be larger than that of the growth of revenue, and still there would be nothing alarming in this of itself. If, on the other hand, Mr. Wacha meant to convey that, during the period of five years which he had selected, the total expenditure was greater than the total income, that would certainly be alarming as indicating a state of indebtedness, but would be absolutely contrary to fact.

The truth of the matter is, that Mr. Wacha's manipulation of figures is unintentionally deceptive. In the first place, he has arbitrarily put out of account the opening balance of the first year of his period; though that is a legal and legitimate portion of the income of that year as much as any other. Under Section 125 of the Municipal Act, all balances available for re-appropriation or expenditure at the commencement of any year must be included in the income of that year. Taking into account the opening balance of the first year, there has not been a single year of the

period selected by Mr. Wacha, in which the expenditure has not been largely under the income. The following table shows this :—

	Income.	Expenditure.	Surplus.
1885-86	55,34,589	40,66,940	14,67,649
1886-87	64,64,225	41,76,362	22,87,863
1887-88	72,25,468	58,12,690	14,12,778
1888-89	63,30,791	52,01,258	11,29,533
1889-90	64,68,226	50,42,425	14,25,801

But even discarding the opening balances from the account the total income of the five years exceed the total expenditure by nearly five lakhs and a half.

	Income.	Expenditure.	Surplus Income.
1885-86	44,73,973	40,66,940	
1886-87	49,01,815	41,76,362	
1887-88	51,66,530	58,12,690	
1888-89	49,66,192	52,01,258	
1889-90	53,42,170	50,42,405	
Total ...	2,48,50,680	2,42,99,655	5,51,025

There is this surplus in spite of the fact that the incidence of taxation has not on the whole varied very much, while provision had to be made for interest on heavy loans for works like the Tansa and others.

In thus showing the fallacious and inconclusive character of the proposition on which Mr. Wacha hinged his case, I must carefully guard myself from being supposed to maintain that there is nothing like wasteful, extravagant or unnecessary Municipal expenditure. So far from doing so, I firmly believe that in many cases we do not get the full value of the money spent. But the remedy for properly controlling Municipal expenditure does not lie in appointing Committees of miscellaneous composition. I must reserve for another letter * what I have to say regarding the appropriate measures for such a purpose, one of which at least I hope to submit to the Corporation at no distant date.

Yours etc.,

24 April. PHEROZESHAH M. MEHTA.

DEATH OF H. R. H. THE DUKE OF CLARENCE.

CONDOLENCE MEETING IN BOMBAY.

A Public Meeting of the citizens of Bombay under the Presidentship of the Lord Bishop, was held on 20th January 1892, for the purpose of passing resolutions sympathising with the Royal Family in their bereavement caused by the death of H. R. H. the Duke of

* No further letter on this subject appears to have been written by the Hon. Mr. Mehta in the columns of the Kaiser-i-Hind.

Clarence and Avondale. * *The Hon. Mr. Justice K. T. Telang moved the chief Resolution of Condolence which Mr. Pherozeshah seconded as follows.*

LADIES AND GENTLEMEN,—In rising to support this Resolution, I may venture to assert that there is no exaggeration in saying that the grievous news of the death of Prince Albert Victor has thrown the whole Empire into mourning and lamentation. It is said that "God's ordnance of death is blown in every wind," but seldom has that ordnance carried more widespread, more unaffected, more profound grief and sorrow than when with appalling and unrelenting suddenness it struck down the young Prince on the very threshold of a career full of the brightest hope and promise, just as he was entering it in the midst of universal and heartfelt rejoicing. The universal joy is now changed into universal woe. The Lord Bishop has referred to the numerous communities making this city, but Hindus and Mahomedans, Parsees and Christians, we are all one to-day—Britons all, as the Chairman said, in the passionate wail which bursts from every heart from one end of the country to the other at so heart-rending and tragic a calamity. We never feel the feebleness of words so much as on an occasion like this. From the Viceroy downwards, everyone in the country, every city in the Empire, is striving to put into words their measureless grief and their unbounded sympathy. But how miserably inadequate it all seems to what we would fain pour out, to all that we feel for those overwhelmed with so great a sorrow! It is idle and futile, it seems to me, to invade their holy woe, with unavailing words of condolence and consolation. Let us only supplicate to be allowed to mourn with them, with the stricken parents, so beloved and honored amongst us, with the desolate bride almost "widowed wife and married maid," with that august lady, our Sovereign, whose thousand claims to reverence have quickened our loyalty with a profound personal sentiment of the deepest attachment and veneration. For the young Prince himself, cut off in the very blossom of his youth, who so lately † moved amongst us, winning all hearts by the gentleness of his manners,

"Not with half disdain, hid under grace,
But kindly man moving amongst his kind,"

we can only pray

"Sleep sweetly, tender heart, in peace:
Sleep, holy spirit, blessed soul,
While the stars burn, the moons increase,
And the great ages onward roll,
Sleep till the end, true soul and sweet." ¶

(Loud cheers).

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* Elder brother of King George V, popularly known as Prince Albert Victor.

† The Prince paid a visit to India just a few months before his death.

¶ Tennyson, to J. S. The three remaining lines being:

Nothing comes to thee new or strange,
Sleep full of rest from head to feet;
Lie still, dry dust, secure of change.

BOMBAY MUNICIPAL CORPORATION.

DR. BLANEY AS PRESIDENT.

At the Meeting of the Bombay Municipal Corporation held on 6th April 1893, Mr. Pherozeshah Mehta moved the election of Dr. Blaney as President, as follows.*

Mr. President,—In moving the election of Dr. Blaney as President of the Corporation for the ensuing year, it is hardly necessary for me to say anything in support of the proposition inasmuch as the honorable part played by him in the civic affairs of this city, has been repeated over and over again on various occasions. If any member of the Corporation is desirous of hearing once more the manifold services rendered by this distinguished citizen to the public and to the Municipality of Bombay, I cannot do better than refer him to the proceedings of the meeting recently held to do honor to the worthy Doctor. ("Hear, hear.") There it was stated that Dr. Blaney had served the Municipality with great zeal and energy all those years that he had been connected with the civic administration of Bombay. ("Hear, hear.") I will not say that Dr. Blaney is the oldest member of the Corporation, for, so far as the Corporation is concerned, I am as old a member as he. But the Doctor is the oldest member of the Municipality which was managed by the Justices of the Peace in earlier days.† We all know with what vigour, devotion and self-sacrifice this local patriot has served the Municipality for more than a quarter of a century. It would perhaps be more to the point to say that in proposing Dr. Blaney to be our President, I am proposing a gentleman who has been tried and found eminently qualified for the post in which he has already acquitted himself with the greatest credit and has gained the respect and confidence of each and every member of this Corporation. ("Hear, hear.") As we all know, he has once occupied the Presidential Chair and I am not one of those who believe that only new men should be elected to preside over us every year. It seems to me that there are occasions when we should resort to our old practice of electing men who have already been Presidents; and in order that the high tradition of the Chair may be maintained, it is but right and proper that some of the old members should be again called to preside over our deliberations. I have not the least doubt that if Dr. Blaney were elected to the Chair, he would discharge the duties of his office with the same ability, the same zeal and the same devotion as he brought to bear on the proceedings of the Corporation on a former occasion. ("Hear, hear.") I am sure, therefore, Mr. President, that the Corporation would, for reasons stated by me, place the patriarch again in the Chair to rule over us for another year. (Applause.)

The Proposition was unanimously carried.

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*Dr Thomas Blaney, who came out to India from Ireland as apprentice in the subordinate Medical Service of the East India Company, made a large fortune in Bombay in the medical profession, which he spent generously in cosmopolitan charity. He was benevolent beyond his means so much so that when he died he had not a penny left for funeral expenses. He took a active and a prominent part in the Municipal affairs of the city and carried schemes for abundant water-supply from Vehar and Tansa Lakes. A life-size statue of him erected by public subscription perpetuates his manifold services to the city of Bombay. (1823-1903).

† Before the City of Bombay Municipal Act III of 1872 came into existence,

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

THE HON. MR. PHEROZESHAH'S MEMORANDUM.

The Hon. Mr. Pherozeshah Mehta submitted to the 6th Provincial Conference which met at Ahmedabad on the 1st, 2nd and 3rd November 1893, a Memorandum regarding the separation of Judicial and Executive Functions. The Conference thereupon passed the following Resolution (VI), viz.,

"That this Conference puts on record its opinion that the separation of Executive and Judicial Functions should be effected as early as practicable: that it could be effected with economy and efficiency by transferring the judicial powers vested in the Assistant and Deputy Collectors and Mamlatdars, to the Subordinate Judges, and that a Committee consisting of the following gentlemen be appointed to work out a scheme for the various Districts in the Presidency on the lines indicated in the Hon. Mr. Mehta's Memorandum, with due regard to local circumstances and the said scheme when ready be submitted to Government for consideration:

The Hon. Mr. P. M. Mehta.	*Mr. R. V. Putwari.*
The Hon. Mr. C. H. Setalvad.	,, *Motabhoy Motilal.*
Mr. Varajray Sakerlal.	,, *B. G. Tilak.*
,, *Moolay.*	,, *R. P. Karandikar.*

The Hon. Mr. Pherozeshah's Memorandum runs as follows.

1. Since Lord Dufferin admitted it in his famous speech in 1886, on the Congress proposals, to be a counsel of perfection, the proposal to separate Judicial from Executive functions in the District Officers has been pronounced by the present* as well as past Secretaries of State for India to be a reform eminently desirable, and in his Budget speech for this year the present Under-Secretary of State† has again repeated the official approval of the measure, provided that the change did not involve increased expenditure.

2. It is needless, therefore, to say anything as to the reasons for advocating the separation—especially after the admirable manner in which Sir Richard Garth, late Chief Justice of Bengal, has discussed them in his letter on the subject in the columns of "India" particularly in connection with the Mymensing case.

3. The necessity for this reform is, however, more urgent than is generally imagined—not for men of position and standing but for the masses of the people. Nobody, who is not intimately acquainted with the daily life in villages and small towns, can have an adequate conception of the intolerable hardship which the continuance of Magisterial powers in Revenue officers entails upon the people. The great bulk of the masses are rendered unhappy enough by the way in which life is made a burden not to the rogues but the honest folk by the practical working of the Salt, Opium, Abkari, Forest, Arms and Land Revenue Acts with their infinite rules and regulations hedging the people round in all directions; but, vexatious and

* The Earl of Kimberley.

† George William Erskine Russel, Esqr., M. P.

harassing as these laws are, they would not be nearly so intolerable if all resistance to their unjust and oppressive enforcement and abuse were not practically rendered impossible by the ingenious device of combining the Prosecutor and the Magistrate in one and the same person. Under these acts, everything is guarded by prosecutions at every step; and these prosecutions, initiated and countenanced by Executive Officers, are tried by Mamlatdars and Magistrates who are all again Executive Officers. Those who have practical knowledge of the system are aware how naturally these prosecutions, however absurd and vexatious, end in convictions. Indeed, the general feeling about the matter is that no Mamlatdar or Magistrate, who valued his own interest and prospect, dare indulge, except rarely, in the luxury of an acquittal. Some of these cases sometimes reach the High Court where they are quashed or revised, occasioning a little mild surprise now and then that intelligent officers could be so wrong-headed. But these are not the hardest cases. The worst are those in which the people yield themselves up in sheer and sullen helplessness and of which nothing is heard publicly. It is high time that a system under which irritation and discontent are engendered to no small extent should be reformed without loss of time.

4. The real obstacle in the way of so urgent a reform lies in the fact that executive officers are not willing to consent to a measure which would, they consider, materially diminish their importance and power. Unable to advance this reason openly, the plea is put forward that any alteration of the present system would entail a heavy increase of expenditure. But a little reflection is sufficient to show how hollow and unsustainable this plea is. The Magisterial adjunct is admittedly worked by Mamlatdars and Assistant Collectors in a most intermittent fashion. It is a common experience with legal practitioners to be told by these officers that they would not take up criminal cases till late in the day, and then only for an hour or so, in consequence of the necessity of doing a certain amount of measuring and revenue work. A case is taken up for an hour or so at the end of the day and then adjourned; if the camp has to be removed to the next station, parties and witnesses have all to go on there. It can easily be conceived that a case, which, if heard out without interruption, would be finished in a day, would require several times the same period when heard intermittently in bits, the process involving a considerable amount of repetition. The waste of power and time thus caused is simply incalculable, and cannot but involve, in the very nature of things, increased cost. Any scheme which relegates magisterial functions from officers who can only work them intermittently to officers who can exercise them continually and regularly cannot but result in both economy and efficiency, and such a scheme is the one I sketched in outline on the occasion of the discussion of the last Provincial Budget in the Legislative Council.* It proposes to transfer these functions to Subordinate Judges as a part of their regular work, relieving Revenue Officers entirely of all Judicial work. I claim for this scheme the merits of simplicity and economy.

* The Meeting of the Council referred to, was held on 27th July 1893. For a detailed report, see "Speeches and Writings of Sir Pherozeshah M. Mehta," Edited by C. Y. Chintamani pp. 363 to 370.

5. The scheme can be best explained by showing how it would work in a particular District. Leaving Sind alone there are three divisions in the Bombay Presidency—the Northern, the Southern, and the Central. Each division is divided into a certain number of Districts or Collectorates. Each District has generally for its Executive Officers a Collector, who is also District Magistrate, two or more Assistant Collectors with Magisterial powers of the 1st or 2nd class, one Huzur and one District Deputy Collector and a number of Mamlatdars or Mahalkaries in charge of Talukas in which the district is sub-divided. For its Judicial Officers, it has a Judge who is both a Civil and Sessions Judge, and a certain number of Subordinate Judges doing Civil work only with one or more S. C. C.* Judges. Taking the District of Poona, for example, my proposal would work thus. The Civil List of July 1893 shows for the District two First Assistant and one Assistant Collectors, one Treasury Deputy Collector, besides *nine* Mamlatdars of different grades under the Collector, and six Subordinate Judges under the District and Sessions Judge. Now, at the meeting of the Legislative Council above referred to, I had ventured timidly to say that the Assistant Collectors and Mamlatdars "certainly do not devote two full hours per day to criminal work," though in the Budget half their salaries were transferred from the head of Law and Administration to Law and Justice. As a matter of fact I knew the time devoted was much less, but I thought it discreet to take the case against my proposal as strongly as possible. The Hon. Mr. Nugent thought that he was irretrievably condemning my scheme when he assured the Council that the time devoted by Mamlatdars to judicial duties did not constitute one-eighth of their total work, and he was good enough further to inform me that in the case of Assistant Collectors it was still less. This fact, so authentically stated by an officer of such high knowledge and experience, blesses instead of cursing the scheme. Instead of demolishing, it only strengthens my argument and shows the extreme feasibility of the transfer. For it establishes that the work in its totality is not more than one whole-time officer can perform, working at it not intermittently but regularly. All that is necessary to do under these circumstances is to do away with only one Mamlatdar and in his place create one Subordniate Judge. The criminal work, of which the Executive Officers would be relieved, would be then distributed among the six old and one new Subordinate Judges. It must be carefully borne in mind that I do not propose to create the new Subordinate Judge for the purpose of entrusting him with the whole of the criminal work from which the Assistant Collectors and Mamlatdars are set free, but each Subordinate Judge of the District would be entrusted with the criminal work of his station. The number of Mamlatdars being only reduced by one could easily cope with the Talukas in the District, in some cases by a slight rearrangement and in others by assigning two of the smallest Talukas to one officer; all the rest of the Mamlatdars continuing in charge of one Taluka only.

6. Independently of achieving the great object of separating Judicial and Executive Functions, and thus removing the crying evils which the combination

* Small Causes Court.

engenders, there are various subsidiary advantages secured by this scheme which I will now proceed to set forth briefly.

7. In the first place, there would be no increased expenditure, for the salary of a Mamlatdar saved would counterbalance the salary of the new Subordinate Judge created. But there would in many cases be economy. For the Assistant Collectors and Deputy Collectors being relieved of criminal work, it would be often possible to do without the supernumeraries who have often to be given to the Collector in many Districts.

8. In the next place, the work would be done by officers with special legal training instead of men whose legal education and training are at the best of a very superficial character. I do not mean to deny that several of the Mamlatdars are men of ability and intelligence; but without special training, we know that even able and intelligent men interpret law in a manner that is often little short of startling.

9. Both Civil and Criminal Justice would be brought nearer home both to parties and witnesses. A district divided into the increased number of Subordinate Judges' stations would have smaller areas for their jurisdiction, thus reducing sensibly the present maximum distance of villages from the head-quarters which, being fixed and thus within easy distance, would obviate a great deal of the hardship which people have to suffer from the conditions attendant on shifting camps.

10. There hardly would be any need for any fresh legislation to carry out the change. It would be in the power of the Local Government according to existing law to invest the Civil Judges with Magisterial powers. The only difficulty would be in the case of jurisdiction vested in Mamlatdars under the Mamlatdars' Jurisdiction Act. But it may not be undesirable to leave to them the present summary jurisdiction in regard to possessory suits.

11. It would be very useful if the Conference deputed some of its members to work out this scheme with regard to each separate district in detail with the help of the knowledge of local circumstances and wants possessed by members conversant with each particular district.

* * * * *

The Times of India of 18th June 1894 has the following.

To, The Editor of the Times of India,

Sir--You will perhaps remember that in noticing the Memorandum on the question of the separation of Judicial and Executive Functions, which I had placed before the last Provincial Conference held at Ahmedabad, you took exception to my remark on the inevitable tendency of the combination of both functions in one officer to cause injustice and oppression, and you were disposed to ascribe the mischief to the crudity of the law rather than to the unnatural position in which the officer was placed. I venture to ask you to publish the enclosed copy of the record of the proceedings and judgment in a case tried recently by the Superintendent of Matheran, which, I think, will help in elucidating our respective contentions. You will observe

that the accused persons in the case are the *muccadum* of sweepers at Matheran and his wife, and that each of them is sentenced to one month's rigorous imprisonment for the offence of criminal trespass, inasmuch as they stayed on a piece of ground which they had occupied for years after being served with a notice of eviction. I have not the slightest doubt that Dr. Barry* is honestly actuated by the desire to do all in his power for the improvement of the Hill. But this, as well as the fact that he is an officer of high intelligence and culture, only serves to point the moral which I ventured to draw in my Memorandum. You are aware that trespass, to be criminal, requires that the entry should be with intent to commit an offence, or to intimidate, insult, or annoy the person in possession. I am afraid the decisions of the Bombay and other High Courts on the interpretation to be put on the words "insult, annoyance and intimidation" were not present to the learned doctor's mind when he convicted the accused. But, however that may be, is it not refreshing to observe that he is perfectly unconscious of any glimmering idea that if the charge was of an offence which involved "the intimidation of the Superintendent," the Superintendent was scarcely the best person to try it? Then, again, does not the extraordinary sentence of one month's rigorous imprisonment, not only on the man, but his wife, make it a fit case to figure in *Truth's* Legal Pillory? Is it possible to imagine that any officer who was not using his judicial powers to carry out his executive purposes, could have passed such a monstrous sentence? And this is not an isolated case.

Yours etc.,

PHEROZESHAH M. MEHTA.

[*Here follow True Copies of the Record of the above-mentioned case*]

A correspondence over the signature of "FRAUDIUS INIMACUS" having defended Dr. Barry in the Times of India of 21st June 1894, the Hon. Mr. Pherozeshah replied to it as follows.

To, The Editor of the Times of India.

Sir--Your correspondent *Fraudius Inimacus*—it is a pity he is not also as enemy to anonymous abuse—is delightfully like the proverbial advocate who pours indignant abuse in the tallest language on the opposite counsel when he has nothing to urge on the merits. I will not venture to grapple with his logic, which, like that of Mrs. Nickleby, flies at everything under heaven and earth with the most bewildering agility except the real points at issue, *viz.* the law, the procedure, and the sentence in the case. I write this only to expose the reckless malice of the mysterious imputation of unworthy personal motives in which your correspondent has chosen to indulge.

1. He says that "this extraordinary interest manifested by me" is "three months after date." The reason is a simple one. I learnt for the *first* time the facts

* Dr. J. P. Barry, I. M. S., the Superintendent of Matheran.

of the case from the lips of my friend, Mr. A. M. Dharamsi, as we rode up to Matheran together Sunday before last. I had not been able to visit the Hill earlier this year in consequence of my other engagements.

2. Your correspondent next says "that this interest was awakened after the writer's difference of opinion with the authorities of the Hill regarding his building rights had reached an important phase." Alas! Even the enemies of fraud can be most disingenuous! One would suppose that Dr. Barry was meant by the sounding phrase "authorities of the Hill," and the "important phase" was something against me. The facts are these. The difference of opinion was regarding the right of Government to levy fees for earth and stone dug from my own area for repairs to the houses in that area. So far as Dr. Barry was concerned, he behaved to me in the matter with the utmost courtesy, and he assured me that he was simply acting under the orders of the Collector of Kolaba. My difference was with the Collector whom he referred the matter. The Collector decided against me, and I appealed to the Commissioner of the Division, who promptly decided in my favour. This is the whole history of my difference of opinion with the "Authorities of the Hill."

3. Your correspondent further says that the interest was awakened "after a member of his community had been run in for furious riding." I suppose he refers to Mr. H. N. Lord, the proprietor of an hotel on the Hill. More than once, this gentleman has applied to me for help and advice in his difference with Dr. Barry, but I have steadfastly refused even to see him on the ground that I had no sympathy with his grievance, which seemed to me only of a personal character.

One word more. If I was actuated by unworthy personal motives, could I not have concealed myself under the safe, if not courageous, anonymity of a moral text, as your correspondent has done?

Yours etc.,

June 21. PHEROZESHAH M. MEHTA.

BOMBAY MUNICIPAL CORPORATION.

ADDRESS OF WELCOME TO Mr. DADABHAI NAOROJI, M. P.*

The Meeting of the Bombay Municipal Corporation held on 11th December 1893 considered the proposal to present an Address of Welcome to Mr. Dadabhai Naoroji, M. P. on the occasion of his return to his native city after having been elected a Member of the House of Commons. The Hon. Mr. Pherozeshah moved:—"That the following Committee be appointed to prepare and arrange for the presentation of an Address of Welcome to Dadabhai Naoroji, Esq., M.P. on his return to Bombay after his election as a Member of Parliament:—Dr. Thomas Blaney (President), Messrs. G. W. Roughton, R. M. Sayani, J. U. Yajnik and Sir Jamsetjee Jejeebhoy. That on the recommendation of the Standing Committee, the Corporation will be prepared to sanction the cost of illuminating the Address

* This was the first and the last occasion on which the Bombay Corporation voted an Address of Welcome to a private individual.

and enclosing it in a suitable casket." In submitting his Proposition to the Meeting the Hon. Mr. Mehta said—

Mr. President,—I wish to propose the Motion that stands in my name in as few words as possible, because it seems to me that this is an occasion on which but little should be said, and I also consider that the Motion I am placing before the Corporation is one that requires very few words to recommend its acceptance. I have merely to ask you to give corporate expression to the feeling of esteem, affection and admiration for our distinguished citizen Mr. Dadabhai Naoroji, feeling which was manifested by the public generally on the day he landed on these shores, in so unmistakable, enthusiastic and remarkable a manner. Mr. Dadabhai was not unknown to you before he left Bombay seven or eight years ago for England; and the members would remember that he was not only a member of the Corporation but also of the Standing Committee,* and in both these capacities he had rendered valuable and important services to the city. This, however, would not of itself be enough to entitle me to ask you to signalize, in the way I propose, Mr. Dadabhai's return to his native city after his long absence on the English soil. Now he has a stronger claim and it is this—he comes back to the city of his birth after having achieved what might truly be termed a historic distinction, —the distinction of being not only the first citizen of Bombay but the first native of the Indian Empire to be returned to the British House of Commons. Probably it might, in some quarters, be said that we are taking an exaggerated view of the importance of an event of this character but it seems to me that all thinking minds must agree that to be the first citizen of India to be elected to the House of Commons,—a body which is universally considered the highest, the noblest and the most ancient assembly known throughout the world—is a distinction which it is no exaggeration to describe as historical. It is, moreover, an epoch-making distinction which has been attained by a gentleman whose public spirit, sterling character, integrity and purity of purpose are well-known throughout the length and breadth of India and which are worthy of being recognised by his grateful and jubilant fellow-citizens. In submitting this Proposition, I do not lay the slightest stress on Mr. Dadabhai's political opinions with which some of the members might agree and others might strongly dissent. All I ask is that the Corporation be at one with me in cordially welcoming the great patriot on his return to Bombay after distinguishing himself in a way reflecting great honour and credit on the city of his birth. In voting this Address we would be following the example of other Corporations in England and the Continent which delight to do honour to any citizen who may have achieved eminent distinction. If a proposition like the one I now beg to submit for your unanimous acceptance, needed a long speech, then it ought never to have been brought here at all and without saying anything more, I believe that the Corporation would accord it a cordial, respectful and a whole-hearted support.

The Motion was carried unanimously.

* He was a member of the Corporation for four and of the Town Council for two years.

DADABHAI NAOROJI, M. P.

PRESENTATION OF ADDRESSES OF WELCOME.

A mass Meeting of the inhabitants of Bombay together with many up-country gentlemen who had come as deputations from all parts of the Presidency to present Addresses to Mr. Dadabhai Naoroji, M. P. on his first advent to this country after having entered the British House of Commons, was held on 16th December 1893 under the auspices of the Bombay Presidency Association. The Hon. Mr. Pherozeshah, who presided, explained the significance of the Meeting in the following speech.

Gentlemen,—You all know why we are all gathered together here to-day. We have met for the purpose of giving expression and putting on formal record our feelings of sympathy, affection and appreciation for one whom we have here in veritable flesh and body, Mr. Dadabhai Naoroji-(Cheers)-Member of Parliament. (Loud cheers.) Gentlemen, no words of mine, in fact, no words from anybody can describe more eloquently those feelings of sympathy and appreciation in which we hold him than the demonstration with which he was greeted on his landing to this city. (Cheers) Gentlemen, I cannot describe that demonstration,—it required to be seen. It was not in the numbers of the people who turned out to greet him; it was not the rows of vehicles which followed the carriage in which Mr. Dadabhai rode; it was not the assembly of the rich and the wealthy, the educated and the enlightened, which gave to the demonstration its deep human interest. That interest lay in the fact that the artisans, the labourers and the workmen, they, their wives and their children,—all came out glad and rejoicing to see the face of the Apostle of India (Cheers). I shall never forget the look of joy and sympathy to be seen on every face on the occasion of the advent of Mr. Dadabhai in our midst. (Cheers). The faces of the people were the truest and most genuine mark of their respect and affection for their fellow-townsman, who had brought such credit and distinction not only on this city, but on the whole of India, yes, on the whole of this country. (Loud cheers.) It is impossible in a large assemblage like this to indulge in long speeches, and without any further remarks, I shall at once call upon the members of the different deputations who have come from all parts of the Presidency, to present the Addresses to Mr. Dadabhai Naoroji. It will be impossible to read all the Addresses and telegrams received from different parts of the Presidency, and one or two, or at the most three, can only be read out, the others being taken as read. We will begin therefore with the Address to be presented on behalf of the Bombay Presidency Association, the Address from the *Sarvajanik Sabha* of Poona, and then the Address from Ahmedabad. I will now call upon Mr. Wacha to read the first Address.

DADABHAI NAOROJI, M. P.

POONA'S WELCOME.

A Public Meeting of the citizens of Poona was held at Hirabag, on 17th December 1893, to welcome Mr. Dadabhai Naoroji, M. P. on his advent into the ancient Mahratta Capital. At thisgathering Mr. B. G. Tilak in expressing thanks to Mr. Dadabhai said—"We

have been trying to receive our guest in as fitting a manner as we can. Our Bombay friends have come here to see how we perform our duty. I trust they can take favourable news to Bombay and we can only thank them for the kind visit they have paid us." After this there were loud calls for a speech from Mr. Pherozeshah to which he responded as follows.

Gentlemen,—Your friend Mr. Tilak has told you that I have come here as a spy. (Laughter.) I have come here in no such capacity. I have come here simply as one of yourselves, as an Indian, to join in co-operating with you at the national gratification at the election of one of our countrymen to the British House of Commons. I am delighted—I am more than delighted—I am moved at the sight I saw from one end of the great and ancient city of Poona to the other. I am moved and why? Because Poona has given one of the boldest answers to the challenge that has so often been thrown down to us, that we Indians have not a political genius in us and never will have. Let the people who say that come and see what I saw in Bombay yesterday and what you have seen to-day in Poona and they will have the answer to their challenge. Here is our answer to the accusation. When you find every man, woman and child, Hindu, Mahomedan and Parsi, of every variety of caste and creed, conscientiously co-operating together, feeling in the same way, their hearts and pulses throbbing in unison since the day of the landing of Mr. Dadabhai Naoroji,—with such manifestations before them, can they say that there is no germ of political genius in us? Are these manifestations not the dawning of a political regeneration the awakening of a political feeling? Gentlemen, I have not come here as a spy. I am moved at the deep human drama which will help us, God willing, to the amelioration of the country of which, whether we be Hindus or Mahomedans or Parsis, we are all proud to be the children, the country of our birth and of our homes, and, I trust, the country of our exertions and self-sacrifices. (Loud and prolonged cheers.)

INCREASE IN THE BOMBAY POLICE FORCE.

THE HON. MR. PHEROZESHAH'S MINUTE OF DISSENT.

*In consequence of the experience gained in the Hindu-Mahomedan riots in Bombay in 1893, the Commissioner of Police * submitted to Government proposals for an increase in the Police of the City. The Bombay Government thereupon appointed a Committee to report on the proposed increase and on the recommendation of the Corporation and to watch the interests of the Municipality, the Hon. Mr. Pherozeshah's name was included in it. The Committee submitted their Report to Government on 23rd December 1893 and the following is the Hon. Mr. Pherozeshah's statement forwarded to the President of the Corporation.*

Junagadh, 2nd March 1894.

To

THOMAS BLANEY, Esq.,

President, Municipal Corporation, Bombay.

Sir,

As it was at the instance of the Corporation that I was nominated a member of the Committee appointed to consider the proposals of the Commissioner of Police,

* Mr. R. H. Vincent, C. I. E.

Bombay, for a further increase in the city police force, I think it right to lay before them the circumstances under which I felt myself precluded from joining in the report of the Committee or recording a minute of dissent, and compelled to withdraw from it after presenting a letter of simple protest.

2. I cannot place these circumstances before the Corporation better than by giving a brief account of the proceedings of the Committee.

3. I was informed by Government of my appointment by a letter, dated 18th November 1893, and on the 29th November, when away from town, I received a letter from the Secretary of the Committee, dated 28th November, asking me to attend the first meeting of the Committee on the 30th November 1893. It was impossible for me to do so, and I telegraphed to the Secretary to that effect. As I learnt afterwards the reason for this short notice was to enable one of the members, Mr. Cotton, to record a minute of the fullest approval of the proposals, for the joint consideration of which the Committee was appointed, before the Committee had even entered upon its deliberations. The opinion of a gentlemen of Mr. Cotton's position, ability and experience would at all times be most valuable; but he could hardly be said to have discharged the joint deliberative function, which rests upon the members of all Committees, by walking off after recording a minute. The incident is described in the minutes of the Committee, which were written, not by the Secretary, but by another member of the Committee, Mr. Campbell, and it is related therein as follows:-

"The orders of Government constituting the Committee are read. The Chair-
"man states the chief reason for having so early a meeting is that one of the members,
"Mr. Cotton, leaves for England by mail of December 2nd. As the members had not
"the opportunity of reading the Police Commissioner's letter, the present must be
"considered a preliminary meeting. Mr. Cotton asks the Chairman to allow him to
"read a memorandum he has prepared after studying the Commissioner's letter. The
"Chairman agrees and Mr. Cotton's memorandum is read and put in. Mr. Cotton
"asks if any member has any remarks to make. As no member expresses any dissent
"the Chairman decides the memorandum should be considered when the report is
"being prepared and should be attached to it as a part of the proceedings."

4. The next meeting was held on the 7th December 1893, and I went to it, prepared to do, to the best of my ability, my part in the enquiry and deliberation which it never occurred to me to doubt, would be at once undertaken by the Committee. My surprise may be imagined when I found that the Chairman got up and made a few short remarks which, he told us, were confidential, and then said (I prefer to quote from the minutes), "As regards our procedure to-day, I would suggest that if "any gentleman dissents from any of the proposals contained in the letter of the 'Commissioner of Police, he should state his reasons for dissent." After some time, during which we sat looking at each other's faces, I ventured to suggest that the proper procedure would be, in the first instance, to see if there were statements of facts in the Commissioner's letter which required enquiry or verification, and that if there were, such enquiry should be made. I had flattered myself that I had put forward my

suggestion at once mildly but convincingly. I was not therefore a little surprised to find that my gentle suggestion was denounced by the Chairman and some of the members as simply impossible; and the Commissioner of Police looked at me in mute reproach at my presumption in requiring his facts to be investigated and verified. It was, I believe, Mr. Campbell who solemnly assured me that Government had set the Committee only an exercise in dialectics, and the Chairman ruled that "the intention of "Government in referring the papers to the Committee was that the Commissioner's "report should be considered to establish the facts which it contains." I had nothing to do but to bow respectfully to the Chairman's ruling, and only begged that it should be recorded. A question was thereupon at once raised, whether it was at all necessary to keep minutes, and it was ultimately decided that, though it was perfectly useless to do so, as members had ears to hear what was said in Committee, my wish might be gratified in that respect out of indulgence for my weakness. Nothing remained to do after this but to carry the Commissioner's proposals by acclamation, for not a single reason for dissent was forthcoming. The prospect of so easy a victory did not, however, seem to be quite satisfactory, and Mr. Douglas interposed with the suggestion that, though the Chairman's ruling was correct and that no enquiry could be made into the Commissioner's facts, still "he thought it would "be suitable that any member should be allowed to ask the Commissioner any "question on any point in the Commissioner's letter regarding which the member "might desire further information." The Chairman thereupon agreed "that the "Commissioner of Police may be asked questions regarding the statements contained "in his letter". This was scarcely a logical position in view of the Chairman's previous ruling, or a very satisfactory one in reference to my conception of the functions of the Committee. But as I hoped that a little cross-questioning of the Commissioner might succeed in showing to the Committee the necessity of an enquiry, I at once undertook to put some questions. But again, to my surprise, I was told that neither the questions nor answers were to be recorded. As it was impossible not to realise that my efforts to do what I honestly considered to be my duty were treated and resented as idle obstruction, and that my questioning were to be dedicated to empty air, I declined the fruitless task. What followed had best be quoted from the minutes prepared by Mr. Campbell:—

"On enquiry whether such questions and answers should form part of the "minutes of the meeting, the Chairman holds that as members present will hear and "can note any point, their entry in the minutes is not necessary. As Mr. Mehta "declines to put any question to the Commissioner unless the questions and answers "are recorded, the Chairman remarks that while personally he sees no necessity for it, "if any member attaches importance to the point, the questions and answers may be "recorded."

As I thought that one meeting would be devoted to settle the course of Procedure to be adopted by the Committee, I was not, I confess, so fully prepared, as I otherwise should have been, to carry on the interrogation. I tried, however, to d(,

what I could. In the first place I thought it was necessary to ask the Commissioner to state more clearly and definitely than he had done in his letter, whether the object of the further increase was simply to enable the police to cope with the ordinary work of the city or to strengthen it for serious emergencies like the August riots. In the second place I wanted to sift the assertion about the men and officers being cruelly overworked, and the necessity of "reducing the hours of duty which the Commissioner "is compelled to exact from Europeans and natives." I put some questions on the first point without getting very satisfactory answers. When I came to the second, the Commissioner flatly declined to give answers. I asked him "what work was taken out of each policeman," with the view of enabling the committee to judge whether too many hours of work were or were not exacted from each policeman. The answer I received is recorded in the minutes as follows :—

"The details of the police work are in my hand. I have given such details as "I think necessary in my report to Government. I do not think it necessary to give "any details in addition to those shown in para 18 of my report."

The above answer does not fully record what the Commissioner said. What he really said was that the hours of work was purely an administrative matter and that he declined to give the details I asked for, as the Committee or any other person had no right to interfere with his arrangements in that respect. I tried in vain to explain to the Commissioner that nobody had the remotest conception of interfering with his administrative arrangements, but that my question was asked for the purpose of eliciting the detailed extent of the alleged overwork. But all to no purpose; and I gave up the task of questioning in despair.

5. I still, however, attended the next meeting which was held on the 14th December 1893. I made another effort to explain to the Commissioner the object of my questions and to indicate to the Committee the several points on which it was desirable to obtain some further information and to make some further investigation, if for no other purpose, at least for the purpose of being in a position to define what should be the extent of the further increase. But it was all of no use. The meeting was adjourned to next day, the 15th December, on which day, as I informed the Committee I could not attend as I had to leave town. At that meeting the proposals to be embodied in the report of the Committee appear to have been settled, and on the following Tuesday, the 21st December, the report was signed with minutes appended by Messrs. Cotton, Douglas, Vijbhookandas and Campbell.

6. In due course I received a letter from the Secretary, dated the 22nd December 1893, enclosing a copy of the report, and enquiring if I would sign it, adding that "at the same time I am to state that the Committee has been dissolved, "but that if you will be good enough to forward your minute, it will be appended to "the report to be submitted to Government." I wrote back on the 27th asking for copies of the minutes of proceedings as well as of the minutes appended by members of the Committee. The minutes of proceedings were supplied, but I was told that "it was not necessary that copies of the minutes recorded by other members should

" be supplied to you." On pointing out why they should be supplied, I was informed by a letter, dated 4th January 1894, " that as all the minutes made by the other members " of the Committee were neither read at the meeting of the Committee nor circulated " to the members, it is not necessary to send them to you for your perusal." I was further informed that " the report of the Committee has been already submitted to " Government," and was requested to forward my minute as early as possible for submission to Government. I wrote to the Secretary to enter a protest against the manner in which the entire proceedings of the Committee had been conducted and received the reply " that your letter of the 6th January 1894 has been recorded and " that your protest cannot form part of the proceedings of the Committee which has been " already dissolved," and I was requested " to state whether you intend to forward your " minute of dissent." I replied to the effect that "I am entirely unable to understand how " my protest cannot form part of the proceedings of the Committee on the ground that it " has been dissolved, while my letter containing it has been recorded in spite of the " very same dissolution. I equally fail to understand that, if the Committee is " dissolved and is thus *functus officio*, the Chairman can still ask me to send my " minute of dissent, while rejecting my minute containing my protest." I added " that " it seems to me that the only course now open to me is to ask you to send on this, as " well as my letter of the 6th January, to Government."

7. I should like to add that it is true that the resolution of Government appointing the Committee requests it " to take into consideration the arguments " advanced by the Commissioner of Police in favour of an increase of the city police." But it never occurred to me that Government could intend to put the narrow interpretation upon the word 'arguments', that the Chairman of the Committee did. The word 'arguments,' as it appears in the resolution, was not unnaturally understood by me in the general popular sense in which it is sometimes used to include statements of facts as well as the inferences drawn from them. There were two circumstances which justified the more comprehensive interpretation. It could be scarcely imagined that Government would delegate to a Committee the task of examining simply the correctness of the Commissioner's logic, on which it was bound after all to exercise its own judgment. Secondly, if such was the intention, it would scarcely be worth while to ask the Corporation, as Government did, to recommend a nominee " leaving it to the Corporation to decide in what capacity their nominee should join the " Committee, whether merely as a member appointed to watch the interest of the " Corporation or as one duly qualified to represent the views of that body." I do not think the Corporation would have cared to recommend a nominee, if that nominee was only to watch the interesting, but not very useful, process of scrutinizing the dialectical capacity displayed by the Commissioner in his letter. As to how the nominee of the Corporation could have been in a position to represent the views of that body in such a function, it is impossible to conceive.

I beg, etc.,

PHEROZESHAH M. MEHTA.

About a month after Mr. Pherozeshah having submitted the above explanation to the Corporation, Mr. J. M. Campbell, the Secretary of the Police Increase Committee, wrote to the President of the Corporation giving his own version of the Committee meetings and requesting him (the President) to lay before the members the accompanying communications from Messrs. Cooper, Vincent, Douglas and H. H. Aga Akbarshah, some of the members of the Committee. Mr. Cooper in his letter was "unable to agree with the statements made by Mr. Mehta"; Mr. Vincent was of opinion that "Mr. Mehta misunderstood what were the intentions of Government in appointing a Committee, and his position as the Delegate of the Corporation"; Mr. Douglas "felt bound to record his dissent" as Mr. Mehta's letter "contained a most misleading statement of what had occurred"; and H. H. Aga Akbarshah stated that "the meetings were conducted in quite a regular manner." Mr. Campbell himself did not think Mr. Mehta's letter "described with any reasonable approach to accuracy either his own behaviour to the Committee or the proceedings of the Committee." He further thought that Mr. Mehta had "treated the Committee with the scantiest courtesy"; that he "tried to cover his failure to perform his duties as a Representative of the Corporation, by baseless allegations," etc.

The Hon. Mr. Pherozeshah thereupon wrote to the President of the Corporation as follows.

To

Junagadh, April 18th, 1894

A. M. DHARAMSI, Esq.,

PRESIDENT, MUNICIPAL CORPORATION.

Sir,—I have the honor to request you to lay before the Corporation the accompanying copy of my reply to Mr. Campbell's letter of the 31st March with enclosures, which I have felt constrained to send to the Times of India and the Bombay Gazette, as Mr. Campbell sent his letter for publication to those papers without either submitting it first to Government, or waiting till it was placed before the Corporation in the due course.

I have etc.,

PHEROZESHAH M. MEHTA.

Sir,—It has seldom been my lot to be so intensely amused as I was when I received here last Thursday's papers, and fully realized the spectacle which they bodied forth of Mr. Campbell, after very nearly a month's incubation, screwing up his courage to the sticking point, and, carefully guarded and supported on either flank by two stout and trusty henchmen, and holding fast by each other, valiantly rushing forth to let off at me a formidable-looking five barrelled revolver. I hope to have the opportunity at the next monthly meeting of the Corporation to show whether this fire has been effective, or has only spluttered off entirely beside the mark. But as Mr. Campbell seems to have thought fit to resort to a little manœuvring to hold up to the gaze of an admiring public the fire bantlings—to take another image which his letters conjured up—to which he and his colleagues have given

delivery after long and painful labour without waiting to present them first either to Government or the Corporation in regular course, I trust you will allow me to help the public to trace some of the more lovely lineaments of the five little beauties exhibited for their admiration with all a mother's doting, fondness and pride.

2. To take my friend H. H. Aga Akbarshah first, I am sure nobody will deny that there is not a more amiable and estimable gentleman in all Bombay, or one who more worthily sustains the high reputation of his honoured family for all true sportsmanship, especially since its present head, His Highness the young Agakhan, has most agreeably surprised all his friends by developing a remarkable aptitude and taste for intellectual pursuits. If Mr. Campbell finds himself in such sore straits, that he cannot do without the valuable certificate of so nice and pleasant a gentleman as Aga Akbarshah, that "I was present at all the meetings of the Committee and I am "therefore in a position to state that the meetings were conducted in quite a regular "manner, and that I am also perfectly satisfied that all reasonable information that "was needed was supplied to us," I wish him joy of it, though the qualifying word "reasonable" is a bit suspicious and may insinuate hidden waggishness. The Aga's further assurance that "there was great and immediate need for an increase "to the Bombay City Police Force" is certainly refreshing, if not quite relevant, to the present controversy, and if relevant, somewhat savouring of the fallacy of begging the question. Anyhow, it is most touching; and I have no doubt that, so great is his faith in and his attachment to the Commissioner of Police, that if Mr. Vincent had asked for ten times more men and ten over, the courtly Aga would have been ready with the same formula.

3. With regard to Mr. Cooper,* whom I will take next, he is esteemed, and deservedly esteemed, as an officer possessing high judicial qualifications. But curious as the phenomenon is, it has been not unfrequently noted that men distinguished for judicial capacity on the bench are not always remarkable for that quality in undress. Mr. Cooper's letter furnishes a remarkable illustration of this curious phenomenon. His whole production is a tissue of hearsay, which, I have not the least doubt, he would have sternly rejected as absolutely inadmissible in evidence if anybody had tried to elicit it from a witness in his Court. Mr. Cooper attended only two meetings of the Committee—the first of which was called only to record Mr. Cotton's minute, and the third held on the 14th December. He did *not* attend the important second meeting, held on the 7th December, at which the rulings as to the course of procedure and the scope of the Committee's functions, against which I have complained, were finally laid down after considerable discussion. Nor did he attend the fourth and the fifth meetings at which the report was settled and signed. Still Mr. Cooper ventures to come and give evidence that he "regrets to be unable to agree with the statements made" in my letter of the 2nd March, and that "I *must* "think, before Mr. Mehta came to the meeting of the Committee, he had not considered "what course he was going to take in the enquiry. He never definitely stated what

* He was the Chief Presidency Magistrate, Bombay.

"papers he wished to see or what evidence he wished to have collected." If, instead of relying on hearsay, and probably hearsay retailed by Mr. Campbell, for the purpose of contradicting me by assertions as to my state of mind, and as to my conduct at a meeting at which he was not present, Mr. Cooper had even simply taken the trouble to peruse the minutes of the proceedings of that meeting, prepared by Mr. Campbell himself, he would not have been betrayed into what he must pardon me for characterizing as so gross and ignorant a mis-statement as that "I *understood* that "some discussion took place regarding the course that should be taken, and that no "definite decision was then arrived at." I shall have occasion later on to give verbatim from these minutes the definite decisions arrived at at that meeting. But what value can be attached, I ask Mr. Cooper himself to decide, to his opinions and inferences about the proceedings of the third meeting which he did attend when he does not even *now* know what was the definite course of procedure authoritatively laid down by the Chairman, and *a fortiori* did not know *then*, and without which it was simply impossible for him to comprehend the point and significance of the proceedings which could only be carried on in conformity with that course so settled? Does Mr. Cooper mean to say that instead of obeying them, however wrong, I was to go on questioning the propriety and authority of the Chairman's rulings after they were finally made and even recorded at my instance? Does Mr. Cooper mean to say that at every answer received by me, or at every remark made in the course of conversation, I ought to have gone on declaring whether I was or was not satisfied with it? Does he allow counsel, when they are examining witnesses, to keep a running commentary on each answer they receive to notify their satisfaction or dissatisfation with it? And yet, forsooth, because I did not do anything so irregular and objectionable, I must be taken, according to Mr. Cooper, to have been satisfied with everything said and done at the meeting.

4. One thing more and I have done with Mr. Cooper. He says in his letter that "At the end of that meeting [the third] Mr. Mehta was quite undecided "when he could attend another meeting," and further that "he mentioned that he had "so many business appointments, he would not be likely to attend any more meetings." Now Mr. Cooper is, I know, an essentially fair man; and I appeal to him to say frankly if the following is not the real account of what took place:—The third meeting was held on Thursday, the 14th December, the second having been held on Thursday the 7th December. At the close of the meeting the Chairman enquired what day would suit the members of the Committee. I suggested the following Thursday as usual, when I said I was ready to attend. But one member or another raised objections to all the days of the next week from Monday to Thursday, the Chairman saying, about either Wednesday or Thursday, that he was informed that the rooms in the Secretariat would not be available to the Committee on one or both of these days. Somebody then suggested the very next day, Friday the 15th, to which it was I said that I could not attend on that day as I had to go out of town. But the majority of the members expressed themselves ready to meet on Friday and unable to accept any other day for the whole of next week. They all looked at

me as if wanting to know whether I presumed to demand that everybody's convenience should be sacrificed to mine. Thereupon I spoke, with a smile to the Chairman as nearly as I remember, to the following effect:—"I cannot expect other members' "convenience to be sacrificed to mine, and if Friday suits the majority, why not "name Friday? As it is decided to hold no enquiry and the Commissioner's facts are "to be accepted, I don't see that anything more has to be done, and I see that the "members are anxious at once to adopt a report accepting the Commissioner's "proposals. It does not matter, therefore, if I can be present on Friday or not." Thereupon the Chairman fixed the next day Friday. And because I could not attend the very next day, though offering to do so any day the following week, and giving in to the convenience of the majority after the ruling that no enquiry into facts would be held, I am charged with saying that "my engagements would prevent me from attending any future meetings." I emphatically deny having ever said such a thing, but is it even probable that I should say it? I could understand Mr. Campbell misconceiving my above-mentioned remarks at the meeting, for, as Charles Lamb says, Scotchmen are such dreadfully matter-of-fact people that they are incapable of appreciating any other humour except what they call their own dry one. But I must say I expected better things from Mr. Cooper.

5. As for Mr. Douglas, the more I read his production, the more I admire the air, to be found in perfection only in the honest British philistine, and which, in its supreme sincerity, beautifies the most stolid British countenance of self-assertive self-complacency with which he makes the most astounding mis-statements, absolutely unconscious that, while he thinks he is giving most valuable aid, he is only playing the bull among Mr. Campbell's China. The great point which he makes is, that I put a wrong interpretation upon what the Chairman said, in stating that the Chairman ruled that, "the intention of Government in referring "the papers to the Committee was that the Commissioner's report should be "considered to establish the facts which it contains." And he adds, with "the air of a superior person, that "what I understood was that the papers "were submitted to us to see if we considered that the Commissioner "had proved the facts stated in this letter and that that letter should form the "basis of the enquiry. To carry out this view, I suggested that members "should ask questions on any points on which they required information." Now will Mr. Douglas be surprised to find that the words in which I gave the Chairman's ruling in my letter of the 2nd March, and which he quotes as putting a wrong interpretation upon it, are words, not my own, but copied from the minutes of the proceedings of that meeting, carefully compiled by Mr. Campbell—who is now obliged to confess that he was the real Secretary though he concealed himself till now under the pseudonym of "Mr. Ganpatrao Mantri" the ostensible Secretary on the record—minutes not fairly compiled, but hewn and shaped by one afflicted with a moral obliquity of vision, which, as I had to point out and expose in Mr. Campbell more than once during the course of the debate in Committee, rendered him incapable of fairness to an opponent. Would he be surprised to learn that it was I who

contended that the Commissioner's letter should be considered as a basis on which the Committee should institute enquiry, and that Mr. Douglas did not, as he now states, propose any general enquiry at all, or that members should ask questions on any point on which they required information, but simply and merely that members should be allowed to ask the Commissioner only questions on points in the Commissionr's letter! I have pointed out in my letter of 2nd March the course of debate in which the Chairman made his ruling, giving its very words, and how I asked that it should be recorded, and the difficulty made to doing any such thing, none of which facts have been questioned. Now I will give the very words from the minutes about what Mr. Douglas suggested and what I suggested. After recording that the Chairman concluded in these words: "As regards our "procedure to-day, I would suggest that if any gentleman dissents from any of the "proposals contained in the letter of the Commissioner of Police, he should state "his reasons for dissent," the minutes proceed, "Mr. Douglas suggests that Mr. "Cotton's memo. should be circulated.

"Mr. Mehta states that in his opinion the report of the Commissioner of Police "cannot be considered more than a *basis on which the Committee should institute* "*inquiries.* He holds that the Committee cannot accept the statements in the "Commissioner's letter without additional enquiry and evidence how far such "statements are in agreement with fact.

"The Chairman states that in his opinion the intention of Government in "referring the papers to the Committee was that the Commissioner's report should "be considered to establish the facts which it contains." Here the minutes omit to record that I said that I bowed to the Chairman's ruling, as I was bound to do, and begged that it should be recorded, whereupon, as related in my last letter "a question was at once raised whether it was at all necessary to keep minutes "and it was ultimately decided that, though it was perfectly useless to do so, as "members had ears to hear what was said in the Committee, my wish might be "gratified in that respect out of indulgence for my weakness." Taking up the minutes again, they proceed:—"Mr. Douglas says:—We are to consider *the* "*arguments* put forward by the Commissioner of Police. These are not new "arguments. The subject is old and has been threshed out. Mr. Douglas's "feeling is that Government say to the Committee: Here is a letter from the "Commissioner of Police. Do you consider his *arguments* sufficient? At the same "time Mr. Douglas thinks it would be suitable that any member should be allowed "*to ask the Commissioner* any question on any point in the Commissioner's letter "regarding which the member might desire further information. The Chairman "agrees that the *Commissioner of Police* may be asked questions regarding the "statements made in his letter."

Now I ask the public to judge whether the account given in my previous letter was not strictly and scrupulously correct, and whether Mr. Douglas's present account is not steeped in the grossest confusion of thought and language, not to

say absolutely incorrect? And yet this is the gentleman who ventures to say, "on the occasion of the second meeting Mr. Mehta was, I believe, the last member "of the committee to come. *When he sat down* he said, 'I have not read the papers', "but he *at once* began to put questions, many of which would have been unnecessary "if he had studied the papers." How anybody with a particle of candour in him could commit himself to such a tangle of inaccuracies and mis-statements, as the minutes of that meeting quoted above show, is byond my comprehension. As to the charge of not having read the papers, Mr. Douglas, echoing Mr. Campbell, says: "Mr. Mehta was the one member of the Committee who appeared to take no "trouble to master the details of the question before coming to the meeting." Now I am sorry I must once more contradict Mr. Douglas as regards these personal statements and expose his pretentions as regards the assiduous way in which he modestly insinuates he discharged his duty of mastering the details of the question. The paper circulated to the Committee were:—(1) Colonel Wilson's letter of the15th March 1889, the reports of the two previous Police Committees, the memorial and correspondence of the Corporation with the Governments of India and Bombay, including the letter of the Corporation of the 2nd July 1892, referring to all the previous proceedings and offering comments on the increase then asked for, and (2) Mr. Vincent's letter. Now I venture to say that if any member of the Committee was intimately acquainted with the contents of the first batch of papers, it was I, who had served on the Committee of the Corporation, who had drafted the culminating report of the Corporation of 2nd July 1892 and placed it for adoption before that body. Now as to Mr. Douglas's acquaintance with that batch of papers. Along with other members of the Committee, he was not even cognizant of the existence of the report of the Corporation till I drew their attention to it and to the various points which it raised, and which I contended before the Committee, required further investigation. I think Mr. Vijbhookandas* will bear me out in what I say for he afterwards came to me and was thankful for having his attention drawn to those points. I think Mr. Cooper will also partially bear me out, for, at the meeting he attended, I appealed to him to verify my statements regarding the enquiries made by the Police Committee, which went by his name, as Mr. Cooper's Committee. With regard to Mr. Vincent's letter, is it likely that one who took so much interest in the question could bear to leave for a moment unread a letter which was to saddle the Corporation with fresh heavy burdens? As a matter of fact, I had devoured that letter the first moment I got it, and I had re-read it twice over before I went to the Committee, marking passages which seemed to me to require explanation and inquiry, and to which I afterwards drew the attention of the Committee. Mr. Campbell will remember that he questioned the interpretation I had placed on one of them which led to a somewhat sharp tussle between us as to our relative knowledge of English. The only ground on which this charge is based against me is this. The proposition statement on the back of the Commissioner's letter, had escaped my notice, and when, Mr.

* Mr. Vijbhookandas Atmaram, one of the members of the Committee

Vincent referred me to it in answer to a question put by me as to the cost, I at once said it had escaped my notice. This is a sole circumstance on which the huge fabric of my lamentable ignorance is reared. It shows what influence the intense prejudice of one-sided and bigoted minds exerts on the perceptions of the senses. I think I will now leave Mr. Douglas alone with his pretensions of superior knowledge and accuracy.

6. As Mr. Vincent* is fortunately a member of the Corporation it will be better to deal with him face to face in the Municipal Hall. I will at present only say that I suppose a Policeman would not be himself unless he set to work to twist out a confession from any statement made to him; the impulse is such a second nature to *him* that the Legislature has wisely provided that a Policeman's evidence as to confession should never be received in evidence. But I will not at present discuss whether, if you assure a person who comes to you in a state of great distress as "an old friend treated unceremoniously" that, in accepting a seat on the Committee, you had done so with an open mind, it is tantamount to "the remarkable fact that he said he was not averse to an increase."

7. And now for Mr. Campbell. I cannot say that I am surprised that he should lose his temper over my exposure of the extraordinary blunders into which he led his colleagues; and I should be prepared to make allowances if he indulged in a few honest expletives of good downright abuse. But what does surprise me is that he should descend to such inartistic and vulgar methods as *suggestio falsi* and *suppressio veri*, to eke out an apology and a defence. I had no personal acquaintance with Mr. Campbell till I met him in the Committee room, but I had heard great things of him as the anti-native oracle of the clubs, who threw thronging members into ecstasy at his exquisite dry wit and excruciating humour.

I confess I am not a little disappointed to find that the stuff dispensed by him, turns out, from the specimens recently exhibited before the public, to be only a dry-as-dust Scotch mixture composed of abuse passing for argument, of invective passing for sarcasm, of fiction for truth, and of hatred and all uncharitableness for "holy anger and pious grief."

I suppose Mr. Campbell considers it a fine specimen of his peculiar methods to pretend to assume in his covering letter, in which he drops the Hindoo *alias* under which he had hitherto hid himself, that I admit "my failure to discharge my duty as the representative of the Corporation on the Committee," and that my letter of the 2nd March was only written for the purpose of making a personal explanation.

It is not a little too childish to imagine that he can thus throw the Corporation and the public off the scent of the real question of public interest which my letter raised, *viz.*, whether the Committee had done *its* duty in a way to command public confidence in its deliberations and conclusions, or whether it was so conducted as

* He was the Police Commissioner of Bombay.

to be nothing less than a sham, a fraud, and a delusion? Mr. Campbell may rest assured that he will not thus succeed in throwing dust in the eyes of the public, but that he must stand or fall by the answer which his letter gives to this the only question of public importance. I think the best and most straightforward way to enable a sound and true judgment to be formed on this point will be to formulate distinctly the charges of which my indictment against the Committee was composed, and to see what defence Mr. Campbell makes to each of them. Those charges can be summarized under the six following heads:—(1) That, relying on the wording of the Government Resolution requesting the Committee "to take into consideration the *arguments* advanced by the Commissioner of Police," it was ruled "that the Commissioner's report should be considered to establish the *facts* which it contained, and that no enquiry into *facts* could be made or allowed." (2) That when I asked this ruling to be recorded, it was modified to this extent, that "the Police Commissioner may be asked questions regarding the statements in his letter." (3) That this partial exception was not only insufficient and unsatisfactory, but that it was not even made *bona fide*, as was proved by the fact of the refusal in the first instance to keep minutes of the proceedings at all, or to record the ruling that there should be no enquiry, or to record the examination of the Police Commissioner. (4) That even the examination of the Commissioner was never allowed to be really carried out, owing to the jibbing of the Commissioner, and had to be ultimately abandoned as utterly profitless. (5) That the majority of the members nominated by Government either displayed gross ignorance of the most elementary rules of Procedure or violated them in the most wanton manner. (6) And, lastly, that the proceedings were rushed through.

8. Let us now see what defence Mr. Campbell has to offer to the first and most serious charge. No amount of shuffling and wriggling enables Mr. Campbell to escape from the ultimate confession that it is absolutely true. But it is well to see, as illustrating his devious tactics, how he struggles for a while to avoid the confession. "At the next meeting" (*i. e.*, the meeting of the 7th December) he says "Mr. Mehta contended that it was part of the functions of the Committee "*to call for fresh reports* and to summon and examine any number of witnesses. "This theory of *endless and aimless enquiry* the Chairman did not accept." Now where did Mr. Campbell get the precious information that I wanted to call for fresh reports and examine *any* number of witnesses, or that I wanted to embark on an enquiry *endless and aimless?* Absolutely from his own imagination, for I never had the opportunity of stating the number of witnesses, or defining the extent of the enquiry I sought, and said never a word about fresh reports, for the simple reason that my impertinent curiosity was nipped in the bud by the ruling that *no* enquiry could be instituted, as "the Commissioner's report was to be considered to establish the facts which it contains." What Mr. Campbell tries disingenuously to disguise under the words "endless and aimless enquiry" is, *any* enquiry at all. See his own description of my contention embodied in the minutes compiled by himself, not then and there, not loosely or

hurriedly, but at full leisure, in careful and cautious deliberation:—"Mr. Mehta "states that in his opinion the report of the Commissioner cannot be considered "more than a basis on which the Committee should institute enquiries. He holds "that the Committee cannot accept the statements in the Commissioner's letter "without additional enquiry and evidence how far such statements are in agreement "with fact." Does not Mr. Campbell stand convicted out of his own mouth when he tries to twist this just and temperate demand into one for "endless and aimless enquiry"? And indeed, Mr. Campbell is compelled ultimately to admit the truth of the first charge, for he has to confess in his letter that "the Chairman ruled "that the Committee were not intended to, and had no authority to, summon witnesses or "call for reports. *The enquiry entrusted to the Committee did not go behind the "facts supplied by the Commissioner of Police.*" Does not this prove to the hilt my assertion in my previous letter, that "Mr. Campbell solemnly assured "me that Government had set the Committee only an exercise in dialectics."?

9. Mr. Campbell does not deny the truth of the second charge; he only admits it in another form when he says "that the ruling of the Chairman did "not mean that members of the Committee should not ask for and receive full "information from the Commissioner." Here again Mr. Campbell is not quite accurate. The Chairman did mean in the first instance, what Mr. Campbell says he did not, for the minutes I have quoted above show, that all he conceived the Committee should do was "that if any gentleman dissents from any of the "proposals contained in the letter of the Commissioner, he should state his reason for dissent." Mr. Campbell has not ventured to gainsay my statement, that the right to examine the Commissioner was yielded only after I pressed that the original ruling should be recorded, and after it was, thereupon, actually entered in the minutes. I call upon Mr. Campbell to produce the *draft* minutes taken by him at the time, which will establish this point conclusively.

10. With regard to the third charge, with which the fifth may also be taken as allied, it is evident that those who agree with me in thinking that, if the work of the Committee was to command public confidence as properly carried out, an enquiry into *facts* was just as essential as an examination of the *arguments* of the Commissioner of Police, cannot accept the concession of a mere examination of the Commissioner as a reasonable substitute for a full enquiry. But even this concession was not made in good faith and in a spirit of honest enquiry. Again I appeal to Mr. Campbell's own minutes as sufficient for the purpose of convicting him out of his own mouth:—"On enquiry whether such questions and answers "should form part of the minutes of the meeting, the Chairman holds that as "members present will hear and can note any point, their entry in the minutes "was not necessary. As Mr. Mehta declines to put any question to the Com-"missioner until the question and answer are recorded, the Chairman remarks "that while personally he sees no necessity for it, if any member attaches importance "to the point, the questions and answers may be recorded." Though the minutes

carefully omit some of the most graphic details of the performance, can the above quotation leave anybody in doubt that we were met only to enact a solemn farce? And does it not equally establish the fifth charge of gross ignorance of the most elementary rules of procedure and conduct of business, or, in the alternative, of a pre-determination to violate and defy them? Mr. Campbell is free to make his own choice of the horn on which he prefers to impale himself. In connection with this charge, I should like to say a word with regard to a remark of Mr. Douglas. He says, in his letter, that he made out at the time that my intention was to lead the Chairman into some ruling which might be used against him afterwards. I will not try to disparage the compliment which Mr. Douglas pays to his own remarkable power of discernment, but I am indeed not justly entitled to the credit which he ascribes to me of forecasting that my colleagues were gentlemen of simplicity so limitless, or courage so reckless as that which they have proved themselves to possess.

11. Now I come to the fourth charge: I have shown above that the concession to examine the Commissioner of Police was a partial and insufficient measure which could not do duty for the full and exhaustive enquiry which the importance of the subject required, and that even this lame and halting exception was not made in good faith. The inevitable experience followed, when the time for testing it arrived; the apple, goodly to look at, was discovered rotten at the core. What is Mr. Campbell's defence to this charge? He gives it in the second and longest para. of his letter wherein he ascribes every possible virtue to Mr. Vincent, and every possible sin to Mr. Mehta. Let us, however, examine this formidable catalogue with a little more regard for logic, and a little more respect for facts, than Mr. Campbell cares to show in his Calvinistic fervour of "holy anger and pious grief." He first descants upon my gracelessness in not having perused the papers graciously supplied by Government, copies of every one of which I already possessed, and were besides published in Mr. Barrow's admirable Municipal Record, as they had all passed between Government and the Corporation, culminating in the latter's letter of 2nd July 1892, drafted by myself. The only other paper was the Commissioner's letter, which, we have it on the testimony of Mr. Douglas, contained "no new arguments, only the old one thrashed out," or as Mr. Vincent is recorded in the minutes to have said, "the same as Colonel Wilson's." So much for my ignorance. Then Mr. Campbell goes on:—"Mr. Mehta proceeded to interrogate the Commissioner. To such of "Mr. Mehta's questions as were already fully answered the Commissioner referred "Mr. Mehta to passages in his report. To other enquiries regarding matters of "minute departmental detail and discipline the Commissioner declined to communicate "fuller particulars than his report supplied. In the case of two general subjects— "police distribution and the control of street traffic, *before the close of the meeting*, the "Chairman arranged with the Commissioner of Police for the supply of details. At "or before the next meeting the Commissioner of Police furnished the statements of "police distribution, and of street accidents which are appended to the Committee's "report." Will it be believed that every one of the above sentences contains

statements which are absolutely untrue, as can be proved by Mr. Campbell's own, minutes? Mr. Campbell has deliberately mixed up the business done at the two meetings, pretending to keep them separate. What took place at the first of them (that of 7th December) was this. After the rulings were made as quoted above I proceeded to examine the Commissioner. The only new argument in his letter, was one founded on the recent riots. Any one who has paid attention to the subject must be aware, that the real contention is how far the situation is modified by the experience afforded by those riots; how far the increase sought was for ordinary requirements; and how far for the prevention or suppression of riots. Any one who reads his letter will see that Mr. Vincent has ingeniously avoided, in a cloud of general assertion, a clear statement on this point. After asking him to state the cost, my first questions were directed to elucidate the above point. How did Mr. Vincent answer those questions? Mr. Campbell triumphantly says "by referring me back to passages in his report," *i.e.*, in point of fact, by evasion. I could not get him to state clearly how far he wanted the increase for one purpose and how far for the other. The next point, on which I wanted to examine him, was as to the allegation that the increase was required in consequence of the "strength of every man in the "force being overtaxed to an extent no other State department would tolerate." (Commissioner's letter.) The sole and only question I was destined to ask on this point and the fate it met are recorded in the minutes :—

"Q.—What is the duty that each policeman does?

"A. The details of the police are in my hand. I have given such details as "are necessary in my report to Government. I do not think it necessary to give "any details in addition to those shown in para. 18 of my report.

"Mr. Mehta states that in the spirit in which his questions are received and answered, it is useless for him to put further questions.

"The meeting was then adjourned till Thursday the 14th December."

Where are "the questions of minute departmental detail and discipline?" My *sole* question received swift and short shrift. I have no hesitation in saying that Mr. Campbell's version is simply disingenuous invention to cover with some decent veil the jibbing of the Commissioner which it was impossible to deny. What becomes of "the arrangement made *before the close of the meeting* for the supply of details "in the case of two general subjects—police distribution and the control of street "traffic?" The fact is, that the statement of police distribution was, I suppose, on second thought, produced *by the Commissioner* suddenly and for the first time at the next meeting of the 14th December, and that the preparation of a statement of street traffic was, far from being even thought of at the meeting of the 7th, only suggested for the first time at the meeting of the 17th by Mr. Cooper. (Minutes of 14th December). At the meeting of the 7th December the curtain fell in solemn silence on the Commissioner's jibbing, without anything more being done. Now let us come to

Mr. Campbell's statement of what took place at the meeting of the 14th December :— "At or before the next meeting the Commissioner of Police furnished the statement "of police distribution and of street accidents, which are appended to the Committee's "report. The whole of the meeting passed in the Commissioner's explaining to "Mr. Mehta and to other members of the Committee the details of these tables and "of other statements in his report. To no question that was asked did the "Commissioner fail to return a ready and complete answer. At the close of these "explanations Mr. Mehta stated he had no further question to ask." Again let us turn from romance to fact. As we were leaving at the close of the meeting of the 7th December and waiting for our carriages, I had expressed my surprise to Mr. Vincent that he should not see the relevancy of my question, and pointed out to him how absurd it was to regard it as an attempted interference with his administrative discretion and independence. In the week's interval that passed before the next meeting, he seems to have realized that my question was not "one of minute administrative detail," or of administrative interference ; and at that meeting, he produced a tabular statement of police distribution, with remarks on the back as to the hours of duty, which he also detailed orally. In the minutes, Mr. Campbell puts it as if this statement was produced on Mr. Mehta repeating the question 'what is the duty of the police ?' That is not correct. Mr. Vincent produced it voluntarily of his own accord. When I congratulated him on his having thought better of his refusal, he told me that what he objected to was being treated as a witness to be cross-examined. I answered that it was the Chairman's ruling which had placed him in that position. After this, *there was no examination of Mr. Vincent at all*; and a conversation ensued, in which the members of the Committee took part, on my still attempting to show, by reference to the Corporation's letter of 2nd July 1892, the necessity of a proper enquiry. I should like Mr. Campbell to produce the *rough* minutes of this meeting taken at the time; but even the fair minutes, afterwards compiled, show that there was no examination taken down, as it was taken down, question and answer, at the previous meeting. I pointed out the questions that required investigation : (1) The difference between Colonel Wilson's account of the hours of duty given in para. 9 of the Corporation's letter ; (2) the alleged unpopularity of the service on account of over-work ; (3) the employment of policemen on escort duty for the Government of India ; (4) the inequality of distribution in the different wards as shown in para. 10 of that letter ; (5) the employment of a mixed force of native and European officers, and several other points. Will Mr. Campbell say that there was any other answer given to my plea for enquiry than that the Committee were not competent to institute it, or go behind the Commissioner's facts ? Where are then "the ready and complete answers" of the much-maligned poor Commissioner ? Where is it recorded that, "at the close of these explanations, Mr. Mehta stated he had no further question to ask ?" Not even in Mr. Campbell's minutes ; and as a matter of fact, I did not say any such thing, as, indeed, there was no occasion or opportunity to do. And, lastly, what is to be said of Mr. Campbell's logic when, in groan after groan, he says that Mr. Mehta "suggested no new source of information, "put forward no fresh topic of enquiry, took no exception to the accuracy of the

"special information furnished, and suggested no addition to its completeness." What I did I have shown above, as also what I was *not* allowed to do. After the ruling that the Committee was not to make any enquiry into facts, was it my duty to obey it or not, however wrong? And if I had to obey it, how was I to help in carrying out an enquiry which was not to be held? Can Mr. Campbell understand the absurdity of asking a person to leap or fly after tying heavy weights on his legs?

12. As to the last charge of rushing the proceeding, I need only add to what I have said above, as to the calling the next meeting the very next day after the 14th December, that Mr. Vijbhookandas pointed out that it was necessary to give some more time to study the tabular statement, produced only that day by the Commissioner and copies of which had not been supplied to members, and the statement of street traffic which was *yet* to be prepared, even though the Commissioner undertook to supply it the next morning. In spite of this protest, the meeting was convened the next day, and on that very day, the Commissioner's proposals were carried by acclamation. The report was signed at a formal meeting held on the 21st December, when minutes by Mr. Campbell and others (Mr. Douglas having sent one from Mahableshwar) were appended to it in open conclave. When I asked to see these minutes which I had every right to do as forming part of the proceedings of the meeting, Mr. Campbell *alias* Mr. Mantri, refused on the ground that they had not been "read" at the meeting nor "circulated"! Mr. Campbell says that "the draft report was sent to Mr. Mehta for his signature or for a record of dissent. "Mr. Mehta returned the report without either signing it or recording any reasons "for dissenting from the Committee's recommendation." Again Mr. Campbell suppresses the facts. Under his usual *alias* he wrote to me on 22nd December 1893 that "I am directed to forward to you for perusal the accompanying rough "copy of the report of the Committee, and to inform you that the fair copy of the "report will be sent to you if you wish to sign it." It is not true that I returned the report without signing it; the rough copy sent to me is still with me. What Mr. Campbell conceals is this, that I at once wrote asking for copies of the minutes of proceedings and of the minutes appended to the report. On the 28th Mr. Campbell —I mean Mr. Mantri—wrote sending only copies of minutes of the meetings of 15th and 21st December, and refusing all others. I again wrote giving reasons why they should be supplied to me, to which I received the following reply, dated 4th January 1894:—"I am directed to forward to you the accompanying copies of the minutes "of the first three meetings and to state that as all the minutes made by the "other members were neither read at the meeting nor circulated to the members, "it is not necessary to send them to you for your perusal. I am at the same "time to inform you that the report of the Committee has been *already* sub-"mitted to Government and to request that you will be so good as to forward "your minute for submission to Government as early as possible." Comment on this is needless, and I have already given in my previous letter the subsequent correspondence, showing how Mr. Campbell would neither record my protest nor send it on to Government.

13. It only remains for me now, on my side, to plead guilty to some of the heavy charges of misbehaviour and dereliction of duty brought by Mr. Campbell against me. I admit that "though no further distant than Matheran" where I had gone under medical advice for a few days on account of indifferent health, I did not rush down, at a few hours' notice, to attend the first meeting, called solely for the purpose of hearing Mr. Cotton eloquently and impressively read out his minute. I also admit that I arrived ten minutes late at the second meeting, having had to attend a meeting of the Corporation at three o'clock. I also plead guilty to not having played in the hands of people who had made up their minds, so as to give an air of careful investigation, to proceedings which had in reality done everything to suppress all honest and necessary enquiry into facts. And, lastly, I plead guilty to the heaviest and most heinous charge of all, of treating Mr. Campbell "with scant courtesy," *i. e.*, in Anglo-Indian phraseology, of not having bowed down with folded hands, crying *Jo Hookum.**

Yours, etc.,

PHEROZESHAH M. MEHTA.

Junaghad, April 12th, 1894.

BOMBAY MUNICIPAL CORPORATION.

MR. ACWORTH'S SERVICES.

At the Meeting of the Bombay Corporation held on 4th April 1895, the Hon. Mr. Pherozeshah moved a hearty vote of thanks to Mr. H. A. Acworth, the retiring Municipal Commissioner. He said:—

Mr. President,—I beg to move "That this Corporation, in tendering their hearty thanks to Mr. H. A. Acworth, desire, on the occasion of his proceeding to England on leave, to place on record their high appreciation of the many valuable and important services rendered by him to the city of Bombay, in his capacity as Municipal Commissioner during the past five years; of the conspicuous ability he has displayed in the discharge of the exacting duties of his high office, and of the zeal and untiring devotion he has shown for the service of the Corporation." Mr. President, although Mr. Acworth is proceeding home on two years' furlough, he is not expected to return as Municipal Commissioner, and I do not think the Corporation would let him retire from that position without testifying to the zeal, ability and very great success which had attended his career as Municipal Commissioner for the last five years. Those who are intimately acquainted with the Municipal constitution of this city, are aware that the Municipal Commissioner has arduous and

* Mr. Campbell referred to in the above controversy was Mr. (afterwards Sir) James Macnabb Campbell, I. C. S., the author of the *Bombay Gazetteer*. He died in 1903.

varied duties to perform, in fact he is in a way a sort of constitutional minister of the Corporation (Applause). According to the Municipal constitution under which we work, the initiative of all business rests with the Commissioner who is invariably submitted to an ordeal of a severe criticism. No Commissioner has the slightest right to complain should that searching and severe criticism be applied to everything brought before the Corporation, because the healthy and efficient administration of the city depend upon such criticism. (Applause) At the same time we should not be chary in recognising the labours of a Commissioner whose work we are ever ready to discuss and pass judgment on. Members might place themselves in the position of the Commissioner and imagine how they would feel if a scheme submitted by them after a careful and mature consideration were pronounced by members without any solid or weighty arguments to be defective in one respect or another. Nobody could deny that it would naturally cause an amount of worry and irritation. I am sure that even those members who have been unsparing in their criticisms, on an occasion like the present, will be ready and willing to place on record the valuable services of the Commissioner, who has performed the varied duties of an engineer, a sanitary officer and a financier to our entire satisfaction. (Applause) There was seldom a Commissioner who was more accomplished and of a more versatile character than Mr. Acworth. (Applause) His clear grasp of the several questions that had been treated by him was, to say the least, admirable and wonderful. I will not review Mr. Acworth's administration of the affairs of the city, which has so much expanded and advanced during the last five years, but all I wish to say is that the zeal, the ability and the honesty of purpose which he brought to bear on the Municipal government of Bombay ought to be acknowledged and placed on record as an expression of the appreciation of the way in which he has so satisfactorily discharged the responsible and heavy duties attached to his post. (Loud applause).

HIGH COURTS IN INDIA.

SIR CHARLES SARGENT'S TERM OF OFFICE.

*A Public Meeting of the inhabitants of Bombay took place on 9th April 1895, Mr. L. R. W. Forrest presiding, to give expression to the high appreciation of the manner in which Sir Charles Sargent had discharged the responsible duties of a Judge and Chief Justice of the High Court of Bombay for the last twenty-nine years.**

The Hon. Mr. Pherozeshah Mehta spoke as follows:—

Mr. Chairman and Gentlemen,—The next Proposition is entrusted to me and I am glad that I have thus an opportunity of actually joining in a movement of so excellent and so unexceptionable a character. (Cheers). No measure has contri-

*He was a Judge of the Bombay High Court from 1870 and Chief Justice from 1882 to 1895. He died in 1900.

buted more to the consolidation of British rule in this country than the establishment of High Courts. (Cheers). In these days, however, a great deal of impatience is exhibited by a certain class of what we call strong-minded officials at the powers and jurisdiction of these courts; and only the other day it found the culminating expression in the Viceroy's Council, when, on the debate on the Police Bill, my honorable friend, Sir James Westland said in his humourous manner that in making an enquiry, one policeman on the spot was worth any day two Judges of the High Court. There is, no doubt, a certain amount of superficial plausibility in the remark, but the fallacy of the observation lies in this that the policeman on the spot gives very scant guarantee of honesty, impartiality, disinterestedness, freedom from bias and prejudice, trained capacity for observation and above all, of a knowledge of the judicial method, all of which go to constitute the qualifications of a Judge of a High Court. (Cheers.) The High Courts, thus constituted, have been more potent factors in the promotion of loyalty and contentment among the masses of the people than is generally or fully imagined ("Hear, hear".) And the Bombay High Court has been singularly fortunate in being able to show a roll of Judges and Chief Justices who have been distinguished for great and unusual culture, capacity and learning. In this illustrious roll, none has more worthily sustained the great traditions of the high and responsible position of Judge and Chief Justice as Sir Charles Sargent has done for the last thirty years. I will not enter into details as my friend Mr. Badruddin Tyabjee has dealt with them, but I have been more than once struck and surprised by finding people in the remotest corners of the Presidency, giving expression, in the most enthusiastic terms, to the esteem, confidence and admiration with which Sir Charles Sargent was regarded for his learning as well as for his singular freedom from bias and prejudices of every sort. (Applause.) Personally speaking, I do not know any greater intellectual treat than to sit at the Court presided over by Sir Charles Sargent, and to watch his severely clear and logical methods of argument and reasoning, interspersed with shrewd but by no means unkindly observations on life and conduct. In meeting to-day, we are giving expression to the unanimous feeling of all classes and communities, to do honour to one whom we have all learned to regard with the greatest esteem, confidence and admiration verging on veneration. (Loud applause.) I now propose "That a Committee be appointed to raise a fund for the purpose of establishing a memorial of the esteem and admiration in which Sir Charles Sargent is held by all classes and communities in this Presidency." (Loud and continued applause.)

THE MEHTAS OF BOMBAY.

On 21st March 1896, Mr. J. M. Mehta delivered a lecture on "Phrenology and the Importance of its study." The Hon. Mr. Pherozeshah Mehta, who presided, in introducing the lecturer to his hearers, spoke as follows.

Ladies and Gentlemen,—I think I might say that it was with considerable reluctance that I consented to take the Chair at this gathering, because I thought it would

be considered an audacity on my part were I to preside at a lecture with the subject of which I have not the slightest acquaintance. I will say, however, that I was tempted to consent because the lecturer belonged to a somewhat numerous tribe of people called "Mehtas" to which I also belong. In this country, whether it be in the field of sports or in the political arena, the Mehtas play an important part in all spheres of life, among Parsis as well as Hindus, and are especially engaged in mental pursuits.* (Cheers) Mr. J. M. Mehta is going, this evening, to deliver a lecture on a mental subject and it is perhaps fitting that a Mehta should preside at a meeting and encourage the undertaking of his namesake—a consideration which has brought me here this evening. I believe, gentlemen, that you are anxious to hear the psychological discourse which I hope will prove of absorbing interest to you and I therefore call upon the learned lecturer to begin his address.

INDIAN MEDICAL REFORM.

PUBLIC MEETINGS IN BOMBAY.

A Public Meeting was convened by the Bombay Presidency Association on 15th April 1896 for the purpose of considering the question of the proposed separation of the Civil Branch of the Indian Medical Service from the Military.

The Hon. Mr. Pherozeshah who presided, said that the Association had thought it desirable to call the meeting because the subject was one which affected the vital interests of the public at large and the interests of medical research, medical education, medical relief, and of sanitation generally throughout the whole of the country. They were well aware how their medical colleges were manned. One would imagine that the principal Colleges of the country had specialists employed to instruct students in all the special branches of the medical science, but instead of such specialists they found that the colleges were manned by professors who were sent there because they could be at times spared from army requirements. They were

* Amongst the Hindus, Mr. Vijbhookandas Atmaram Mehta was a prominent public man of the day and Mr. Lalubhoy Samaldas Mehta was then a budding citizen; while among the Parsis, Mr. A. H. Mehta popularly known as "Johnny" Mehta had won renown in the Cricket world as a bowler of the first order; Mr. Cowasjee Shapurjee Mehta was a well-known educationist; and the widely circulated Congress organ, the Kaiser-i-Hind had in Mr. F. C. Mehta an enterprising editor. Outside Bombay Mr. (now Sir) Bejonjee Dadabhoy Mehta, had made his name as one of the most successful Mill Managers in the whole of India while Mr. R. D. Mehta, who was the Sheriff of Calcutta in 1893, was an indefatigable speaker from the Congress platform.

An interesting incident, which occurred during the Sessions of the Legislative Council at Poona, may well be recorded here. While the Council was in Sessions, the Presidency Cricket Match between Europeans and Parsis was being played on the Gymkhana ground next to the Council Hall. The Hon. Mr. John Nugent, a Member of Council, who was greatly interested in the Match, was receiving hourly reports of the progress of the game. On hearing that "Johnny" Mehta was making a remarkable display, Mr. Nugent could not help congratulating the Hon. Mr. Pherozeshah Mehta on the great achievement of his namesake and wrote on a slip of paper, which he passed on to his honorable friend, the following:—"I hear that a Mehta has become a terror on the Cricket field as you have made yourself one in the Council Chamber." The Hon. Mr. Pherozeshah smiled and enjoyed the joke.

not specialists in any sense but they were said to be capable of performing any wonderful feat which they might be asked to perform. (Laughter). At one time one of those professors, who was deemed qualified to teach anatomy, was considered fit another moment to occupy the chair for chemistry or physiology, or in fact every possible branch of medical science, and that was the system under which their medical education was carried on.

It was a monstrous anomaly that members of the subordinate Civil Service occupying the position of Assistant Surgeons in the Presidency, who were considered the best products of their highest medical education, should begin with a salary of Rs. 100 rising to an unprecedented amount of Rs. 200 a month! (Laughter and applause). It was true that they were entitled to pension after a certain number of years, but it was invariably found that very little of life remained to enable them to enjoy their pension. (Laughter). The system at present in vogue was simply a scandal and he hoped that at no distant date they would be able by dint of constant agitation to remove that scandal. (Loud applause).

* * * *

On 9th December 1896, the Hon. Mr. Pherozeshah again presided at the Meeting convened to welcome Dr. K. N. Bahadurjee M. D. (Lond.) on his return to Bombay after his, campaign in England, as regards the Indian Medical Reform. In explaining the object of the Meeting, the Hon. Mr. Pherozeshah said:—

Gentlemen,—In opening the proceedings of this Public Meeting, I might scarcely remind you that in April last we have had a similar gathering at the Novelty Theatre at which we authorised our friend Dr. Bahadurjee—(Cheers)—to represent us in England on the question of the Medical Reform in India—a subject which he has made his own and of which he is considered a great authority. I do not mean to anticipate, gentlemen, what you will hear from Dr. Bahadurjee's own lips as to how he has fulfilled the mission that was entrusted to him. I will let Dr. Bahadurjee speak for himself and let you form your own judgment after you have heard him. As for me, I am convinced—I am firmly and positively convinced—that Dr. Bahadurjee has acquitted himself of the mission in the ablest and in the most admirable manner. (Cheers). And as for that we are not entirely dependent upon his own account but we have our independent source of information and it has come to us from other quarters also—the way in which he represented this Presidency in England on the question to which he has devoted himself in a manner which has commanded universal respect and admiration. We have amongst us to-day one gentleman who had occupied the honourable position of being a member of that great Assembly*—(Applause)—before whom Dr. Bahadurjee gave his evidence and I am sure that we would hear from Mr. Caine's¶ own lips about the good effect which Dr. Bahadurjee's mission had produced. Gentlemen, I am not going to detain you any longer but I cannot resist the temptation of saying one word in regard to the lesson which Dr. Bahadurjee's unselfish enterprise, perseverence and ability have

* The Royal Commission on Indian Expenditure.

¶ W. S. Caine, M. P., the well-known advocate of advanced temperance. (1842-1903).

taught us all—a lesson worthy to be borne in mind by all who aspire to do some abiding good to the land of their birth. Well might they take Dr. Bahadurjee as a pattern of what a public-spirited young man should be who could interest himself in the welfare and prosperity of the country. (Cheers). We must remember that Dr. Bahadurjee is a young and an ideal man. He is one of the ablest practitioners of the city. Moreover, he holds wide practice in the whole of this Presidency and be it said to his great credit that he has devoted himself to this public question of great importance at the sacrifice of a most lucrative exercise of his profession. His love for his fellow citizens has indeed got the better of his love for making money—a disposition which is rarely found now a days in the public life of this country. In dealing with public questions he has always the knack of making himself master of the subject to which he devotes the greatest possible attention. Having done so, he touches the question with ability and moderation on any platform which presents him occasion to do so. We find him on the Congress platform and elsewhere agitating the public opinion on questions in which he interests himself. In the present case as it was found important and necessary to shift the scene of battle-field from India to England, out comes Dr. Bahadurjee, throws up his lucrative practice, proceeds to England and devotes himself to an arduous mission in the most admirable and efficient manner. Can patriotism go further than this? You will therefore, gentlemen, agree with me that the public mission of Dr. Bahadurjee having been carried out vigorously and successfully, we must show our honour and respect to him and our highest estimation of his public and valuable services. With that object the present Meeting is convened. When you have heard the account from Dr. Bahadurjee himself, I am sure that you will pass with acclamation the vote of the greatest appreciation, which he so highly deserves, of the services he has rendered so ungrudgingly and with so much self-sacrifice in the cause of the welfare, prosperity and the advancement of his country, (Loud and prolonged cheers.)

BOMBAY UNIVERSITY.

WITHDRAWAL OF GOVERNMENT GRANT.

The Meeting of the Senate of the Bombay University held on 27th July 1896, considered a letter from Government saying "that the University of Bombay can safely be left as independent of financial support from Provincial Revenues as are the Universities of Calcutta and Madras and that the University is informed that no provision is made in the Budget of 1896-97 for a grant to the University". The Hon. Mr. Pherozeshah, in moving the Notice of Motion that stood in his name in connection with the subject, spoke as follows.

Mr. VICE-CHANCELLOR AND GENTLEMEN OF THE SENATE,—

With regard to my Notice of Motion I suppose there are many members of the Senate present who perhaps think that we have met togther on this occasion as if it were on a ceremony of condolence over the demise of one of the oldest

institutions, namely, the Bombay University--(A laughter)—the Government having withdrawn their grant which was as old as the University itself. But I hope that the majority of the Fellows will not consider this as a meeting of condolence, but would look at this meeting as doctors in consultation over a patient, who is *in extremis* but who is certainly not quite dead as yet. ("Hear, hear" and laughter.) Taking this view of the matter I think I am justified in asking the Senate to adopt my proposal which is--

> "That as recommended by the Syndicate, a representation be made to Government urging them to reconsider their decision to withdraw the University's annual grant."

As regards the letter of Government, I might say that it so happened that I came across a copy of the "Westminster Gazette" of a recent date, in which there is a cartoon descriptive of the attitude of the present Government with regard to the question of the cost of the Indian Contingent to Suakim, and that cartoon is described in letters as "An Act of Melancholy Meanness."* If it were permissible to members of the Senate to dismiss from their minds the respect and the reverence which they certainly owe to the Government of this Presidency, I might be tempted to say something analogous to that description. But, gentlemen, I am one of those who is given to pay great respect to constituted authorities and it is accordingly utterly impossible for me to hold any such comparison remembering the fact that the head of the Government is the Chancellor and that the Senior Member† of Council was at one time the Vice-Chancellor of this University. Remembering these things I will for the present content myself by calling this act of Government as an act of untimely and impolitic parsimony. In using this expression and describing it in the manner I have done, I think I am justified by a reference to what has been laid down in the letter of Government itself, and I do not propose on this occasion to go any further than take the letter itself and point out to the Senate the inconclusive and illogical character of the arguments which have been advanced in it. I venture to say that if this letter had emanated from a private body, there could have been no difficulty in our describing it as somewhat confused in statement, misleading in argument and somewhat irrelevant in many of the subjects referred to in it. As for the third paragraph of the letter, if you go back to the time when the University was established, you will find that the policy of the Government then was the exact contrary to what they now enunciate. I contend that when the University was first established, care was taken to make it a State institution and not the department of Government, and to give effect to that view the Chancellor of the

* This description reminds one of the memorable words of the late Mr Henry Fawcett, "Member for India" in the House of Commons, who, in 1867, characterised the conduct of the India Office as the "masterpiece of meanness" for having charged the cost of a Ball, given in London in honour of the Sultan of Turkey, on the Indian Exchequer.

† H. M. Birdwood, I.C.S., C.S.I

University was he who happened to be the head of the Government of the Presidency. That view of the matter prevailed year after year, and it is to be regretted that we have not at present one of those Vice-Chancellors like the late Sir Alexander Grant, who always stood up and supported the best interests of the University on an occasion of this character.

[*The Hon. Mr. Pherozeshah then referred to other portions of the letter and in doing so he alluded to the remarks made by the Education Commission and the Finance Committee, and also to the Correspondence which had taken place between the Syndicate and the Government on the subject of the proposed reductions of the grant.*] * *Continuing Mr. Pherozeshah said :—*

I contend that Government in a manner compel the University, by way of recouping its funds, to raise the fees levied on students who present themselves for the Matriculation Examination, though the number of students who go in for this examination in Bombay is comparatively smaller than those in Calcutta and Madras. The fees in Madras have been enhanced as the number of students had increased to 5,000 and more ; but the University of Calcutta has not, as has been stated by Government, increased its fees, but they are the same as before. Again, when Government refer to the work done by the University as "admirable and successful," I am inclined to believe that they mean to be rather sarcastic and ironical, because when professors of colleges and officers of Government themselves have often proclaimed that the class of graduates turned out from the various colleges were far from being satisfactory, the Government now aver that the work done by the University is of an exceedingly satisfactory nature. Gentlemen, there appears to be a vein of sarcasm running in that paragraph. I would have attached great value to the apparently complimentary statement, if such a compliment had been paid at a time when the question of finances was not before us. With reference to the statement appearing in the letter that "the accounts for the year 1894-95 show that the receipts exceed the disbursement by more than Rs. 20,000,"—no doubt there was a surplus of about Rs. 20,942 last year, including the Government grant of Rs. 5,000, but is it, I ask, sufficient for the numerous reforms which it is high time the University should take in hand for its legitimate growth and development ? Let me point out that the first and foremost reform that may be introduced, is with regard to the accommodation of the ever increasing number of students for the Matriculation Examination, who are examined in *mandups*, which have such flimsy roofs provided that the burning rays of the mid-day sun peered through them and injured the health of the numerous students who have to sit for hours together under a temporary structure which after all afforded little protection to them. (" Hear, hear.") The resolution passed at the instance of Mr. Justice Ranade at a recent meeting of the Senate would necessitate the holding of the examinations twice a year, and that would necessarily increase our expenditure,

* Unfortunately this portion of Mr. Pherozeshah's speech has not been reported in details in any of the newspapers of the day.

the several examiners being required to be paid their fees. As the work of the Registrar's office has of late greatly increased, and as the six-monthly examinations will entail a further burden on the staff, the Senate will soon have to consider the necessity of employing a full-time Registrar,—("Hear, hear")—and we must therefore be prepared to pay a higher remuneration than at present for that office. Again, the number of examiners appointed at present is not sufficient to cope with the increasing number of candidates, and if we wish that the examiners should do their work conscientiously and not in a perfunctory and mechanical manner, which they are, no doubt, obliged to do under the present circumstances, we must be prepared for additional expenses in that direction. There is again another reform which might be made, and it is that of appointing a supervising board of examiners, or chief examiners, who must be men of high culture and position and must be paid according to the work they are expected to perform. The University Library also, as it is, is quite useless and in order to make it more useful and attractive, we must spend some money over it. For these reasons the Senate should go up to Government and point out to them that taking into consideration the various circumstances which would entail a far larger expenditure than what is incurred at present, it is utterly premature and untimely to withdraw the small contribution made by them.

Some of the members of the Senate may ask,—Where is the necessity of appealing to Government now that they have already issued their Resolution? My reply to that question is that the English education I have received has taught me that the success of an Englishman lies in the fact that he never knows when he is defeated. ("I hear, hear.") Let the Senate never know when they are defeated. I know it is a very difficult thing to move Government; particularly when matters of finance are concerned, I quite admit that they are a stone-wall—(A laugh)—, but that is no reason why we should not endeavour to prevail upon them to reconsider their Resolution. Whether the Senate is successful or unsuccessful it does not matter much, but I will impress upon the mind of the members that it is their bounden duty as guardians and trustees of the best interests of the University, to point out to Government that they are following a wrong policy and proceeding upon wrong premises and false inferences, and that they seem not to have taken into consideration the several circumstances affecting the financial interests of the University, and finally that they do not care to consult this body, which is appointed by themselves, before they passed such a Resolution. (Applause.)

The Hon. Mr. Justice M. G. Ranade seconded Mr. Pherozeshah's Motion. Dr. Pollen and Dr. Peterson having thereafter addressed the Senate—

Mr. Pherozeshah in reply said that Dr. Pollen was opposed to their approaching Government for what he called a "beggarly" amount of Rs. 5,000, but what could then be said of a Government who, notwithstanding that according to their latest budget statement, they had a balance of 40 lakhs of rupees at their disposal, had yet decided to withdraw that amount! It suggested an analogy to the description of the

cartoon alluded to by him, but he would not indulge in such language towards the Government for whom he entertained such high respect. He agreed with Dr. Pollen that primary education should be supported, but what he contended was that Government should not rob Peter to pay Paul.

The Motion was then put to the vote and carried nem. con.

INDIANS IN SOUTH AFRICA.

RIGHTS OF BRITISH CITIZENSHIP.

Mr. M. K. Ghandhi, Bar.-at-Law, delivered in Bombay an Address on the Political Disabilities of Her Majesty's Indian Subjects in South Africa, on 26th September 1896. The Hon. Mr. Pherozeshah Mehta, who presided, in introducing the speaker to the assembly, spoke as follows.

Ladies and Gentlemen,—Very few words are necessary in introducing to you the learned lecturer who has so skilfully taken up the cause of the natives of India in South Africa. The present meeting is convened for the purpose of expressing our sympathy and recording a protest against the drawbacks, hardships and disabilities which our fellow-subjects are suffering in the land of the Boers. These difficulties will be described to you by my young friend Mr. Ghandhi who is so nobly devoting his time and labour, on behalf of the natives of this land residing in that part of the world, with great skill, pluck, ability and perseverance. But I would like to remind you of one circumstance and it is this. We are told, on all possible occasions, to cheerfully bear the burdens cast upon us and not to grumble at them. We are told to accept, without any protest, the imposition of the excise duties, "which are levied to restore the financial equilibrium of the country," nor even to say a word against the heavy burden of providing the cost of military contingent in far Egypt with which this country has nothing to do. We are told to put up with and bear all this because we, forsooth, are enjoying the brilliant privileges—liberty and right of British citizenship—and also because we should bear our portion of the common and Imperial responsibilities of the British Empire. But, gentlemen, responsibility and privilege go together. It is therefore our duty now to ask for a share in the enjoyment of all those privileges which rightly belong to British subjects, namely, of representation. Whether we shall get it or not, is certainly a doubtful question, but that is no reason why we should not put forth our best energies and demand of our rulers the enjoyment of those rights and those liberties, which are the just heritage of every subject of the British Empire. (Applause.)

I now call upon Mr. Ghandhi to deliver his Address which, I have no doubt, will prove both interesting and instructive

CONGRATULATORY ADDRESS TO HER MAJESTY QUEEN VICTORIA.

The following is the Address from the Municipal Corporation of Bombay forwarded to Her Majesty Queen Victoria on her Diamond Jubilee in June 1897. It was drafted by the Hon'ble Mr. Pherozeshah Mehta and is placed here amongst his speeches and writings as a specimen of his penmanship.

HER IMPERIAL MAJESTY VICTORIA,

Queen of Great Britain and Ireland,

Empress of India.

MAY IT PLEASE YOUR IMPERIAL MAJESTY,

We, the President and Members of the Municipal Corporation of the City of Bombay, beg respectfully, on behalf of its citizens to lay at the foot of the Throne our earnest, sincere, and reverent congratulations on the consummation of sixty years of Your Majesty's glorious and beneficent reign. It has pleased Providence to afflict this City for several months past with the horrors and ravages of a severe epidemic of plague and with the dire consequences of a widespread famine in several parts of the Presidency. Heavy as our hearts have been from the sacrifices and bereavements thus inflicted upon this striken City, still we cannot allow this great occasion to pass without giving expression to our devout appreciation of the measureless beneficence of sixty years of the reign of a revered Sovereign whose womanly and motherly heart has always deeply and truly grieved for the sorrows of her subjects and participated in the anguish of their afflictions. We deeply and gratefully recognize that, were it not for the great and glorious achievements of a reign which has sought glory in the triumphs of peace, progress, and enlightenment more than in anything else, the evils that have wrought such havoc in this country in the present year would have been more widespread and dire than they ever have been. The glories and triumphs of Your Majesty's unprecedentedly long reign will be sung with heartfelt joy by Your Majesty's subjects spread over every quarter of the globe. But, though we may not participate in the outward rejoicing—owing to the afflictions which have brought death to so many homes—no portion of Your Majesty's subjects join more heartily or more earnestly than ourselves in praying that Heaven may continue to shower its choicest blessings on our beloved and revered Sovereign, than whom a greater and nobler has never reigned in the hearts and affections of her subjects of all races and creeds.

President;

Municipal Secretary.

Bombay, 26th April 1897.

BOMBAY MUNICIPAL CORPORATION.

VOTE OF THANKS TO SIR GEORGE COTTON.*

At the Meeting of the Bombay Corporation held on 4th April 1918, the Hon. Mr. Pherozeshah, in moving a Vote of Thanks to the retiring President, Sir George Cotton, spoke as follows.

Mr. President,—There is another task which must be performed before we proceed with our usual business, and it is to tender our most cordial thanks to the retiring President for the great ability and zeal with which he has presided over us during the last year. (Applause.) He came to us as Mr. George Cotton and leaves us as Sir George Cotton. (Applause.) I do not think that there is any gentleman in Bombay whose elevation to knighthood had been so cordially approved and appreciated as that of Sir George Cotton. I need not tell the Corporation how well he governed us during the time he presided over us. He was always so smiling that we scarcely knew he would be so firm, and he was again always so genial that we never knew he would be so arbitrary. (Laughter and applause.) That is how public bodies like the Corporation are to be ruled and nobody knows better than Sir George how to manage and preside over them in the best manner possible.

I have another observation to make and it is that Sir George Cotton has shown us that he is made of the stuff, which, to my mind, is the stuff, of which old official and non-official European citizens of Bombay were composed. We have of late often heard—in fact it has become the fashion—that the chief European citizens of this town do not care to join the Corporation, because, being very busy men, they are not inclined to become members of a body where there is so much talking. This criticism has been falsified by nobody so well as by Sir George Cotton, who is one of the busiest men in the city. He works from six o'clock in the morning until a late hour in the night and yet he finds time to serve on the Corporation with zeal and assiduity and with great enthusiasm and public spirit. (Applause.) It is men like Sir George that we want in Bombay. I hope that the supply of such men will never cease and that we would have many more such Europeans to take an active, intelligent and public-spirited interest in the affairs of the city. ("Hear, hear" and applause.)

With these remarks I beg to move that the best thanks of the Corporation be given to Sir George Cotton, the retiring President, for the ability, assiduity, firmness and courtesy with which he has discharged the duties of his office during the past year. (Loud applause.)

The Proposition was carried by acclamation.

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* He was a partner in the firm of Greaves, Cotton & Company, and a prominent citizen of Bombay, being its Sheriff in 1897. (1842-1905)

BOMBAY MUNICIPAL CORPORATION.

TRIBUTE TO THE SERVICES OF THE LATE DR. BAHADURJEE.

A Meeting of the Bombay Corporation was held on 16th August 1898, when the Hon. Mr. Pherozeshah, in moving a Resolution of Condolence on the death of Dr. K. N. Bahadurjee, M. D. (Lond.), and placing on record the Corporation's sense of appreciation of the valuable services rendered by him to the City of Bombay, spoke as follows.

Mr. President,—Before we proceed with our business this afternoon, it is my melancholy duty to bring to your notice the sad death of Dr. Bahadurjee,—an occurrence in connection with which every member present, I believe, will approve of an adjournment of this Meeting as a mark of respect to the deceased gentleman. It is with a feeling of profound sorrow that I note the very unfortunate fact that ever since I was in England, Death, alas !, has been very busy amongst our ranks. First, I was shocked to hear of the demise of my respected co-worker Mr. Abdulla Dharamsi, since which we have lost our valuable friend and eminent citizen Sir Jamsetjee Jejeebhoy, and now we have to deplore the untimely death—the inexpressibly sad death—of a member who had been with us for several years past, a most esteemed, respected and zealous colleague both in this body and in the Standing Committee. It is not exaggeration to say that the whole city of Bombay, including the Corporation, was shocked by this gloomy piece of intelligence and, to my mind, it is unutterably sad to realise that we would no more hear of his bright, independent and at times overzealous advocacy of everything that was for the benefit and welfare of the city. (Applause.)

Mr. President, Dr. Bahadurjee's was a career exceedingly promising and brilliant. He was one of the most noble exponents of one of the most noble professions, namely, the medical profession. On the active, industrious and untiring part taken by Dr. Bahadurjee in the many events relating to the city, it is needless for me to discourse or dilate at length; but I trust that the Corporation will allow me to say a word of cordial appreciation of the professional skill and ability which he put forth—noble efforts indeed !—during the grievous and calamitous visitation of the plague in Bombay. As a medical man, he came out with certificates of accomplishments,* gifts and attainments not usually possessed—he came out with the highest certificates of some of the best scientific men of England and the Continent—and these he immediately and ungrudgingly devoted to the good of the city with all the best means at his disposal. He put forward all his efforts for the amelioration of suffering humanity and for relieving, as far as in him lay, the prevalent distress, at a time when this plague-stricken city required that all its citizens should exert their utmost for that purpose. He set the splendid example of bringing properly qualified medical assistance within reach of indigent patients by starting the Parsi Fever Hospital to which he so unsparingly paid his undivided attention. Everybody on this board will

* He was the first native of Western India to obtain the highly coveted degree of M. D. of the London University (1860-1898).

remember that it was at one time considered of the highest importance that any one should lead the way to show what might be done for the purpose of mitigating the dire calamity which had overtaken the city. By starting that hospital Dr. Bahadurjee did a thing which was for the benefit—incalculable benefit—of all the communities that resided in Bombay. He led the way by founding the hospital to which he devoted his untiring energies with a nobleness which was beyond all praise. I know that he worked in the hospital night and day and at the expense of an immense private practice and his devotion to his duties cannot, in reality, be too highly praised or admired. The excellent example which he set to other medical men in this way, was again beyond commendation. Perhaps it may be remarked that I am exaggerating the services rendered by Dr. Bahadurjee; but I beg it to be understood by the Corporation, that I speak after earnest deliberation and from deep conviction of the way in which this noble-spirited man carried out that self-sacrificing work ever since the outbreak of plague in 1896. In saying all I have said, I believe, Mr. President, that I have given some expression to the feelings I have been actuated with in bringing the Proposition before the Corporation and I hope the members will join with me in deploring the sad termination of a brilliant career, prematurely cut off in prime of life, of a colleague whom we sincerely loved, respected and admired. I would admit to those who would say that I have spoken the language of exaggeration that the late Dr. Bahadurjee had his faults. That may be, and who has no faults? But the failings, if there were, were of such a character that instead of detracting from his merits, they filled his opponents with honour, esteem and respect for the sturdy independence which those faults exhibited, for the unwavering support he accorded to the opinions he had once formed, opinions which he believed to be just and right, and for the advancing of the convictions he had fearlessly and conscientiously arrived at. It is to honour the memory of such a high-minded individual that I venture to put the Resolution for the adoption of the Corporation and I have no doubt it will meet with your unanimous acceptance. (Applause.)

WELCOME TO MR. A. M. BOSE.

DISTRESS IN INDIA—MR. PHEROZESHAH'S OPTIMISM.

Under the auspices of the Bombay Presidency Association, a Public Meeting was held in Bombay on 3rd September 1898, for the purpose of welcoming Mr. A. M. Bose of Calcutta who had just then returned from London. The Hon'ble Mr. Pherozeshah, who presided, in introducing the guest of the evening, spoke as follows.

Gentlemen,—We have assembled here this afternoon to welcome to our city Mr. Anand Mohon Bose who has just returned from England after fighting the battle of the people of India in the home of the British public. He is not a stranger nor is his fame unfamiliar to you. We all know that for years together he has devoted his great talents and accomplishments to the cause of his country; and the services

rendered by him during his sojourn in England,* have a peculiar value considering the nature and the temper of the times through which we have been passing. Divine providence and—I venture to say—human† providence have combined to pour down upon our devoted heads trials and afflictions of no ordinary character. We have been afflicted with famine, pestilence and earthquake. One would have thought that these are afflictions sufficient to draw the sympathies of all generous hearts towards us, but unfortunately some of those who do not quite sympathise with us, have added some more trials and afflictions to those we have been patiently suffering. Besides the natural visitations I have already named, we have had repressive and retrograde measures of an unusual character thrown upon us. ("Shame.") I do not propose to enter into a discussion of the circumstances which have led to those events. I sincerely deplore that those measures‡ should have been resorted to—measures which are injurious alike to the earnest and devoted loyalty of all classes of Her Majesty's subjects in India, and to the solid and real majesty and strength of the British rule in this country. ("Hear, hear.") I deplore them as—I should say—a libel on that majesty and on that strength. However, there have been those events and one question which occurs to every mind is,—how should we meet them? Gentlemen, I am an optimist like my esteemed and distinguished countryman, the Hon'ble Mr. Justice Ranade, and I take the matter in the same philosophic spirit in which he always receives such events. I consider these trials to be a source of discipline through which every nation and every country must pass in their onward course towards progress and liberty. But my opitimism is not of that fatalistic character which sits with folded hands. I believe, on the contrary, that optimism must work itself out through human activity and human agency by striving to meet and encounter disasters and afflictions which have come upon us. One great bulwark of our rights and privileges has been attacked by the British Parliament and the British Nation. Unfortunately, for the last two years, the British Parliament and the British Nation have been seized with what I might call an attack of "imperial" influenza. (Laughter.) We are passing through a period in which sympathetic and righteous principles are, I do not say, abandoned, but held in suspense.

[After some further remarks which, unfortunately, have not been reported in the papers, the Chairman called upon the Hon'ble Mr. Chandavarker to propose the Resolution that stood in his name.]

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* During his twelve months' stay in England, Politics, Education, and Social amelioration of the people of India in all their branches, claimed equal attention from him.

† *The Mahratta*,—a Poona journal, complained in 1897,—"Plague is more merciful to us than its human prototypes now reigning in the city. The tyranny of the Plague Committee and its chosen instruments is yet too brutal to allow respectable people to breathe at ease."

‡ This refers to the arrest and deportation without trial of the Natu Brothers of Poona in 1897.

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FIRST INDIAN SENIOR WRANGLER.

INDIAN MEMORY AND INTELLECT.

A Meeting of graduates and undergraduates of the Bombay University was held on 29th July 1899 for the purpose of adopting an Address of Congratulation to Mr. R. P. Pranjpe, the first Indian Senior Wrangler, Cambridge. In moving "that the thanks of the Meeting be tendered to H. E. Lord Curzon of Kedleston for his graceful and sympathetic message to Mr. Pranjpe's father and to the Principal of the Fergusson College" of which Mr. Pranjpe was an ex-student, the Hon. Mr. Pheroseshah said :—

Mr. President and Gentlemen,—Before His Excellency Lord Curzon came out to India, many were the utterances and speeches made by him, which touched deeply the heart of this country. (Cheers.) Many of his utterances and speeches since his coming to this land, have also produced the same effect. One among them which has been received with the keenest enthusiasm and interest by the academical world in this country, is, perhaps, the Convocation speech which he made as the Chancellor of the Calcutta University. The whole country then recognised the generosity and the perspicuous sense of that important speech, because it brushed away all the sophistries which used to be placed before the country in condemning higher education in this country as a failure. ("Hear, hear.") To that speech, gentlemen, Lord Curzon has put the crown now. I venture to say that all those speeches and utterances have been surpassed by the pithy but the most happy and the most graceful and sympathetic message which Lord Curzon wired to the Principal of the Fergusson College and the simple letter which he addressed to Mr. Pranjpe's father. Gentlemen, I wish to add a few words in consequence of what has fallen from Mr. Justice Candy* who has just told us that the supremacy of the Indian intellect had always been recognised. But I remember a time when Indians were supposed to be savages. That superstition has not gone off yet even in some high quarters. The Indians have shown that they are not quite savages as they are able to pass examinations creditably and in a manner that redounds great honour to the whole of their country. It was said that it was all very well to pass examinations which required memory and not intellect but I think Mr. Pranjpe's success has shown that there is something more than memory in the Indian mentality. I am sure it will be recognised on all hands that mere memory is not enough to gain the senior-wranglership of Cambridge—something more is needed for that purpose and all credit is therefore due to Mr. Pranjpe's rare intellect for attaining such a high and meritorius distinction. Before I conclude, let me, gentlemen, express a hope that now that an Indian student has succeeded in obtaining the "blue ribbon" of Cambridge, another would be equally fortunate in seizing the "double first" of Oxford. (Applause.)

* The Vice-Chancellor of the Bombay University.

FAMINE IN THE BOMBAY PRESIDENCY.

LORD SANDHURST'S SYMPATHETIC REGIME.

A Public Meeting was held in Bombay on 16th November 1899. Lord Sandhurst, the Governor, presiding, for the purpose of starting "The Bombay Presidency Famine Relief Fund," for relieving the distress prevailing in the districts of the Presidency. The Hon. Mr. Pherozeshah, in proposing a Vote of Thanks to the President, said :—

Ladies and Gentlemen,—I am not going to move any conventional proposition. I believe that I am about to give expression to the high sense of our appreciation and of our gratitude for that deep and tender and that generous sympathy evinced for the sufferings of the people which has brought His Excellency this evening to preside over us and to assist us with the weight of his great influence as the first citizen of the Crown and the leader of Society. (Cheers.) That same humanity and that same sympathy have always distinguished the whole of His Excellency's administration. (Cheers.) It has been said, and I think it will bear repetition, that no Governor has had more trying or more anxious times and that no Governor's term of office has been so filled and overcrowded with afflictions and calamities as that of His Excellency Lord Sandhurst's. Not many of us can realise the anxiety of the head of the administration during such trying times. It is easy to criticise,—I have been one of those critics myself, and I hope to continue in that office as long as power in me lies. It is a very useful function indeed ; but you must have observed with what generous and sympathetic tolerance, His Excellency has always received such criticisms. (Cheers). Few can realise how, amid the chorus of all sorts of suggestions and advice and of threats and alarms, His Excellency had to administer the affairs of this Presidency in which plague and famine tried to compete with each other as to which could do the worse. We have not as yet got rid of that dread enemy whose terrible power is as great as it is mysterious and unknown, and no administration has been signalised by a second occurrence of famine so extensive and so serious as the one in regard to which His Excellency has presided at our Meeting this evening. During all those anxious hours, we found His Excellency, besides guiding and superintending as the head of the administration, visiting the famine camps and plague hospitals and soothing and cheering the sick and the dying, the bereaved and the afflicted. (Cheers.) I can well imagine that this occasion would perhaps be the last on which we would hear the eloquent and sympathetic voice of His Excellency, raised not in the course of pageants or of rejoicing but for the purpose of alleviating the suffering and distress of the emaciated and the dying. (Cheers.) Let us, therefore, ladies and gentlemen, take this opportunity of expressing to His Excellency Lord Sandhurst, our sense of the highest appreciation of the interest and anxiety he has evinced in mitigating the miseries of the vast number of our countrymen who have been visited with such dire calamity. Surely His Excellency's solicitude for the afflicted ones will not be easily forgotten by the grateful people of this Presidency. (Loud and prolonged cheers.)

THE BOER WAR.

MEETING AT CALCUTTA.

A Public Meeting was held at Calcutta on 27th January 1900 in aid of the Transvaal War Fund. The full text of the Hon. Mr. Pherozshah's speech not being available, a part thereof is given below :—

Well, gentlemen, it has always seemed to me that English strength and greatness has consisted in nothing so much as in the lofty conception of moral and political duty which has illustrated the lives and actions of her best and noblest sons, and has permeated and leavened the national life, thought and culture. Gentlemen, it is not a little that we have to be thankful for that, in spite of many drawbacks many fallings off, many backslidings, in the midst of temptations and allurements, it is this lofty conception of duty which has largely succeeded in moulding and directing the policy of the crown for the government of this country. It was in pursuance of that righteous policy, or, so to say, policy that maketh for righteousness that that inestimable and priceless boon, the boon of education, was conferred upon us. (Cheers.) It has been said, and often said, by people whose historical bias has been apt to run away with their historical accuracy, that India was won by the sword and must be maintained by the sword. Well, gentlemen, this is true so far, that the soldier is abroad, maintaining peace and tranquility throughout the land. But it is equally true that the humble schoolmaster is also abroad, transforming the feelings of gratitude for the preservation of this peace and tranquility into a sentiment of earnest, devoted and enlightened loyalty.

* * * * * *

Gentlemen, look at the spectacle, the whole country, and the press that reflects its opinion, presents to-day. We have no reasons to be captivated by the glittering Imperial vision of a great South African Empire. We would rather that England kept to her old love, the Indian Empire, and that she did not divide her affections with another. (Cheers.) But however that may be, what do we see but that her sons over all this vast land, unaffected by the differences that distinguish but do not divide us—men of different creeds—inheritors of varied traditions—descendants of distinct races yet sprung from the same soil—subjects of the same Sovereign and I will venture to add, soldiers in the same patriotic cause of their common country—are all acclaiming with united voice and heart their unswerving attachment to the throne and person of that noble and gracious lady who presides over the destinies of the great British Empire (Loud cheers)—and our deep and abiding loyalty to the British rule, in which we are firmly persuaded—in which we are convinced by the education we have received, lie implanted the germs and roots of the welfare, the prosperity, the regeneration and development of this country. (Loud cheers.) Criticism there may be, and I hope always will be, sometimes wrong, ill-informed, and even prejudiced ; endeavours there may be, and will be to expose supposed

wrongs and grievances,—some misconceived, misdirected or unfounded; even resentment, bitter resentment against supposed misdeeds and miscarriages of justice. But sedition and disloyalty there is none throughout the length and breadth of the land. Therefore it is that we have met here to-day in public meeting to give expression to our entire and unflinching loyalty. (Loud cheers.)

BOMBAY MUNICIPAL CORPORATION.

LORD CURZON'S SERVICES TO INDIA.

At the Meeting of the Bombay Corporation held on 10th September 1900, the Hon'ble Sir Pherozeshah moved that an Address of Welcome be presented to Lord Curzon on his visit to Bombay next cold weather. He said:—

Mr. President,—I think I am at perfect accord with the public opinion when I ask the Corporation, as the representatives of the City of Bombay, to present an Address of Welcome to His Excellency the Viceroy on his visit to Bombay in November next. I am not going to speak at length as to what an Address should contain. The members will remember that in the one which we presented to His Excellency when he first came to these shores, we took the opportunity of acknowledging his great ability and experience, and of thanking him for the assurances of sympathy to which he had given expression before coming to this country. Since then one year and a half has passed away and I venture to submit that the public voice is unanimous that he has nobly redeemed the pledges he had then given. I will not go into the long series of reforms which His Excellency has inaugurated since he has been at the helm of the state. It is sufficient for me to say that in everything he has done, he has been guided by the noblest instincts of a statesman and has always recognised the fact that the people of India ought to be governed in a spirit of sympathy and consideration and with a steadfast regard for the feelings and sentiments of the various communities that inhabit this vast country. His Excellency has also shown that he has determined that justice should be the rule when dealing between all the classes of Her Majesty's subjects in India. Moreover, we all know the energy he has displayed in connection with the present famine which has devastated great portions of this country and particularly the Bombay Presidency. We also recognise with great pleasure and gratitude, the artistic interest he takes in the concerns of this historic land, among which I may mention the old public monuments and buildings which have engaged his especial attention. All these things have excited the respect, esteem and admiration of the people of all classes and creeds. I therefore think it is our duty, as the representatives of the city, to present His Excellency with an Address of thankfulness and gratitude for the way in which he has discharged the high and onerous duties entrusted to him with great tact, ability and sympathy.

ADDRESS OF CONDOLENCE TO KING EDWARD VII.

The following Address of Condolence, sent to H. M. King Edward VII and the members of the Royal Family, on behalf of the Bombay Presidency Association, on the demise of Her Imperial Majesty Queen Victoria, Empress of India, on 22 nd January 1901, was drafted by the Hon. Mr. Pherozeshah Mehta.

May it please Your Excellency—We, the President and Members of the Bombay Presidency Association, humbly crave leave to approach Your Imperial Majesty with our sincere and heartfelt condolence on the sad occasion of the demise of your illustrious and universally respected mother, our late beloved Sovereign. The mournful occasion has created widespread sorrow in all parts of the world and plunged into the greatest grief millions of Your Majesty's subjects of every race and clime, but none more so than the people of India whom Her late Majesty regarded with all the tender solicitude and affection of a parent. In her death humanity has lost a woman of exemplary social and domestic virtues, of true nobility of character and gentleness of heart; and the British Empire a monarch distinguished for ripe political experience and rare tact, scrupulous regard for the constitution, wise tolerance and broad sympathy, peaceful sentiments, and devotion to the greatest welfare of her people. Unparalleled as was her long reign of sixty-four years, it was also unsurpassed for the many higher ideals of national life which, in harmony with the general progress of thought, her Government were able to realise with her gracious support and sympathy, contributing thereby not a little to the advancement of the moral and material prosperity of the Empire at large. India cannot but acknowledge with a deep sense of gratitude the many benefits her benign rule has conferred upon its people. To them, Sire, Her late Majesty stood in special relations of sympathy and affection. Commencing with the gracious Proclamation of 1858, which far-sighted statesmanship as well as magnanimity prompted the royal heart to issue on the assumption of the direct sovereignty of this ancient land, which promised equal and generous treatment to all her Indian subjects, which secured for them perfect freedom in matters of religious belief, and which recognised in an ample measure their claims to a share in the administration of this country, Her late Majesty had, by a series of acts of kindness and consideration, bound to herself with the bonds of loving loyalty, unequalled in the history of the world for its strength and intensity, the hearts of a gentle and grateful people. She was foremost with her sympathy and help in the calamities that have overwhelmed the country so frequently. She felt for the miseries of her many distressed Indian subjects with all the tenderness of a mother. To the Indian people she was ever a living and loving presence, and now that the Giver of all life has been pleased to call her away from this world, they will for ever cherish her memory with reverence and affection. Posterity will regard with wonder and admiration the glorious career which has just closed, its affluence of achievement in all directions, and its services to the cause of humanity. The world cannot but mourn the withdrawal of a potent influence which embraced in its generous scope all that was good and true.

In conclusion, Sire, we humbly assure you of the sincerest sympathy which we in common with our countrymen entertain for Your Gracious Majesty and the Royal Family, in your great sorrow and we pray that the God of all power may grant Your Majesty long life and strength to sustain the burden of Empire and vouchsafe unto you as beneficent a reign as that of your illustrious mother, Victoria the Good.

BOMBAY UNIVERSITY.

COMMERCIAL AND DOMESTIC SCIENCES.

At the Meeting of the Senate of the Bombay University held on 8th August 1901 the Rev. Father Dreckman moved, inter alia, that as recommended by the Syndicate a further addition be made to Regulation 5, prescribing subjects for Commerce and Domestic Science in the School Final Examination. The Proposition being supported, the Hon. Mr. Pheroseshah said:—

MR. VICE-CHANCELLOR AND GENTLEMEN OF THE SENATE,

In moving an amendment to this Proposition I may at once say that I am not in favour of extending the functions of the University as it is sought to be done in the present instance. I know that there is a strong feeling prevailing in favour of including commercial instruction in the University curriculum and I will not on that account oppose the addition of this subject in the curriculum for the School Final Examination. But as to the other scheme, I have little doubt that the University would be making a mistake in undertaking a function of that character. I am doubtful whether we would be able to adequately discharge our duties in that respect. Among the subjects prescribed for the Domestic Science course are:—

> "Chief features to be attended to in building a house to prevent damp: (*a*) foundation, (*b*) walls, (*c*) roof";
>
> "Cleanliness and general arrangements";
>
> "Various rules to be observed in choosing meat, fish, poultry, vegetables, etc."; and
>
> "Water-supply."

I admit, gentlemen, that these are very good things for young ladies to learn before they become wives, but I ask whether it is practicable for the University to examine girls in these subjects! Are we going to put up stalls in the examination booth to test the knowledge of young ladies as to the quality of fish or meat? Or are we going to provide rooms and brooms to examine the ladies in cleanliness and general arrangements? This is not a function which can properly come within the province of a University. My view on the matter is that the function of the

University is mainly concerned with liberal education only. I will therefore move an amendment that the Syndicate be requested to review their decision on the subject. As for myself, I think, the subject should be left out altogether; but if the Syndicate think that it is possible to change the scheme in such a manner as to give it a more academical character, my amendment will give them an opportunity of proposing a better scheme.

The Hon. Mr. N. G. Chandawarkar supported the Hon. Mr. Mehta's amendment which was carried by 24 votes against 19.

11th PROVINCIAL CONFERENCE.

ELECTION OF MR. TAHILRAM KHEMCHUND AS PRESIDENT.

The 11th Provincial Conference was held at Bombay on 14th and 15th September 1901. In proposing that Mr. Tahilram Khemchund be elected President of this Conference, the Hon. Mr. Pherozeshah Mehta, who was warmly received, spoke as follows.

Mr. Chairman and Gentlemen,—I have much pleasure in proposing that our distinguished countryman, Mr. Tahilram Khemchund, be elected President of this Provincial Conference. Mr. Tahilram hails from far Karachi. It is quite true that Karachi is far; but there is in this country a freemasonic mark by which we have learned to distinguish all those who are bound together by the ties of common patriotism, common interests and common work. (Applause.) Mr. Tahilram's career is one by which many of our rising educated men may profit very largely. In the days when Karachi was farther by railway than it is now, gentlemen from Sind used to come down to Bombay for their education, and when I remember those days and the good effect which association with each other had on the people thus brought together, I almost regret—I do not say entirely—the establishment of the Sind College which has deprived us of the pleasures of association with young men from Sind. However, Mr. Tahilram was of the old school, and it was to *our* College that he came for his education. (Applause.) Need I tell you that he distinguished himself in his college career? He took his B. A. in 1884 and his LL.B. in 1886. And here is the interesting and useful part of his career; he went back to Karachi, and he joined the Karachi Bar for the purpose of earning his own livelihood; but he did not forget that life does not consist only in the seeking of private ends and private maintenance, and inspired by this sentiment, as I hope our young men will be inspired, he not only joined the Karachi Bar, but at once set himself to make himself useful in public life. He joined the Karachi Municipality in the very next year. Since 1887, Mr. Tahilram has worked with all his heart and all his soul for the Municipal interests of Karachi, so much so that his merits were formally and fully acknowledged, and in 1895 he was elected Vice-President of the Karachi Municipality. But, gentlemen, that was not all. His hard work was appreciated not only by his own

fellow citizens but by Government, and in the next year, when Sir Charles Ollivant was the Commissioner of Sind,* with that liberality of mind which has always distinguished him, he appointed Mr. Tahilram President of the Municipality. (Applause). In that office it is that our distinguished fellow citizen still does his useful public work. There is one incident in his career to which I may be allowed to refer. Mr. Tahilram, when plague infected Karachi, worked as hard as you can expect any Government official to work—and Government officials, you know, do work hard. (Laughter). But the reward of his hard work was a somewhat curious one. Lord Sandhurst † went to Karachi about that time, and with his advent, he caused the appointment of a Plague Committee divesting the Municipality, which had worked so hard, of the working of plague measures. The interesting part of my little story is this,—A large number of both the Native and European members of the Municipality, of course, apart from the official members, tendered their resignations, and, gentlemen, they *walked out* of the Municipal Hall—(Loud applause)—for the purpose not of *a theatrical demonstration* ‡—(Laughter)—but for the purpose of entering their staid and sober protest against an action which they thought divested them of the means of being useful to their fellow citizens, (Applause) useful in a way in which they had proved themselves to be proficient. However, it is my good fortune to relate that luck was with the Sindhi gentlemen. Conciliatory counsels prevailed, and Sir Andrew Wingate, § whom we know to be a man of most conciliatory and persuasive eloquence, induced them to withdraw their resignations.

Mr. Tahilram, I may mention, has been honoured by Government with a C. I. E. I mention this for the purpose of showing that he has acquired it simply by steady, honest and independent work. He has never sought public honours, and even in the post of President of the Karachi Municipality, which, remember, he owes to Government, he has never abated one jot of the independent guarding of the rights of the citizens of Karachi which he knew it was his duty to protect. Gentlemen, I think you will agree with me that it is a very fortunate thing for us that we are able to ask to the Chair a distinguished gentleman with such a career as the one which I have described, and I have no doubt that you will acclaim the election of Mr. Tahilram Khemchund to the Presidency of this Provincial Conference unanimously and enthusiastically. (Applause.)

The Proposition after being seconded and supported was carried unanimously and with acclamation.

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* Sir Charles was officiating Commissioner of Sind in 1895.

† The Governor of Bombay from 1895 to 1899.

‡ The Hon. Mr. Pherozeshah here sarcastically alludes to his exit from the Council Hall, Poona, along with four of his colleagues, only a month before, i. e. on 23rd August 1901, as a protest against the action of Government in having his Amendment on the Bombay Land Revenue Code Amendment Bill thrown out "by the brute majority of official votes irrespective of what the popular members had urged on the subject." This procedure of abruptly leaving the Council Chamber was characterised by official organs as "a theatrical demonstration."

§ Secretary to the Bombay Government in the Plague Department.

BOMBAY LEGISLATIVE COUNCIL.

RESPONSIBILITY OF PARENTS.

During the discussion on the "Bill to amend the law relating to the Bombay City Police," at the Meeting of the Bombay Legislative Council held on 22nd March 1902, the Hon. Mr. Mehta moved the following Amendment:—In clause 124, lines 6 to 10, to omit the words "or (b) having the care or custody of any child under seven years of age suffer such child to commit a nuisance as aforesaid." He said—

My Lord,—I have arrived at the last Amendment of which I have given notice, but it is an Amendment about which I set a great deal of store, and I am going to appeal to the feelings of chivalry of your Lordship and the honourable members of Council and to your kind heartedness in this matter. I ask the honourable member in charge of the Bill to omit these words. A child under seven years is in the custody of a parent or other member of the family, and these words mean that either she must run after the child, giving up all her household work, or be liable to punishment under this section. Unless she runs after the child all the hours of the day, it is possible that the child may commit a nuisance. The child cannot be looked after all day, and it seems to me that you would be doing a very wrong thing, a very cruel thing, if you punished a woman for not looking after a child who may commit a nuisance in the street. I quite appreciate the feelings of the honourable member.* He is anxious to keep the streets of Bombay clean and I can quite understand him saying—"I love the people of Bombay well, but I love the cleanliness of the city better." There is a section which has been added subsequently which does not allow the woman, in these circumstances, to be arrested without a summons, but even then, though a small fine be inflicted, the woman will feel that she has been subjected to an indignity by having had to appear in a Police Court. It has been said that there will be very few cases of this sort; but Police Officers do not refuse to have their palms greased, and this will give them an opportunity of extracting little sums of money from the females of a family whenever a child is found loitering in the street and either committing or not committing a nuisance. I know what the answer of Sir Charles Ollivant will be. He will say, "Oh, let us educate the people." But education of the people in these matters cannot be by legislation. You must educate them by changing the circumstances which surround the people.

The Hon. Sir Bhalchandra Krishna and the Hon. Mr. Ibrahim Rahimtoola having supported the Hon. Mr. Mehta, Sir Charles in reply referred to the venerable name of Mr. Dadabhai Naoroji, who put it to him (Sir Charles) to go down some morning at a certain hour to Khetwady and see what a horrible nuisance there was.

The Hon. Mr. Mehta:—I should like to say one word with regard to what fell from the honourable member. He appealed to Mr. Dadabhai Naoroji, but he has not

* Sir Charles Ollivant who introduced the Bill.

met one argument which we have advanced and that is that this clause may get absolutely innocent persons punished. A woman who is sitting doing her household work is to be made liable if anything happens under the sub-section.

Sir Charles Ollivant :—As regards that, I can only say that I endeavoured to meet the objections of the honourable member. I was advised that there was less active responsibility implied in the words " suffers to commit " and I accepted them instead of the words " omits to prevent."

The Amendment was then put to the vote and lost.

BOMBAY IMPROVEMENT TRUST AND PARSI PANCHAYET LAND.

In response to a numerously signed requisition of the Parsis of Bombay and other parts of India, a Public Meeting of the Parsis was convened on 6th July 1902 by the Trustees of the Parsi Panchayet Funds for the purpose of memorialising the City of Bombay Improvement Trust and the Government against the acquisition by the Improvement Trust of lands vested in the Trustees for charitable and religious purposes.

In moving the chief Resolution, the Hon. Mr. Pherozeshah said what they asked from the Improvement Trust and the Government was fair, just and equal treatment consonant with public policy. The object kept in view by the legislature in passing the City of Bombay Improvement Trust Act had now been frustrated. When the plague first broke out in Bombay, it was apprehended that unless prompt measures were not adopted for improving the insanitary areas of the city, Bombay would lose its trade and commerce and would eventually be turned into a village of fishermen which it originally was. But people had again quietly settled and Bombay was carrying on its trade and industry as before. It could be easily imagined in what frame of mind and in what hurry that Act must have been passed. Their experience had taught them that the disease was no respecter of the Improvement Act nor was it afraid of their medical practitioners. It was now made pretty clear that the plague would take its usual course and leave them at its own sweet will. The Improvement Trust Act had its shortcomings. Formerly land was acquired for public purposes under the Bombay Land Acquisition Act, one of its provisions being to allow a compensation of 15 % on the value of the land acquired. But under the Improvement Trust Act that clause had been done away with in order to enable the Trust to acquire lands as cheaply as possible. In consideration of the fact that the Act was passed for the benefit of the whole city, it was said that some sacrifice on the part of property holders would not be unreasonable. But the motive which governed the legislators of the time no longer existed. The original intention was to improve the most insanitary areas only and it was reasonable that arbitrary powers of acquiring

land in such parts should be given to the Trust. But this rule applied to improvement schemes only, and not at all to the street schemes which was mainly for the benefit of the well-to-do classes. Mr. Pherozeshah maintained that with regard to the latter class of schemes, the Trust should abstain from applying their arbitrary powers of acquisition. It was necessary both in the interests of private property as well as property held in Trust for charitable and religious purposes, but much more so in the case of the latter class of properties. The Parsis deeply cherish their religious customs and institutions, and not the least among them was the system of disposing of their dead in the Towers of Silence. It had survived for centuries despite the revolutions through which the community had passed since its advent in this country. He earnestly hoped and felt confident that the Government as well as the Improvement Trust would, after the expression of their views at the Meeting, see their way to meet the wishes of a community which had done so much for the good of the city. (Applause) Mr. Pherozeshah then proposed a lengthy Resolution praying that the Chowpati Scheme should be so modified as to leave Parsi Panchayet properties which cluster about and below the Towers of Silence untouched, especially as other communities of the city had been treated with greater consideration even in the case of improvement schemes undertaken for the purpose of improving insanitary areas.

BOMBAY MUNICIPAL CORPORATION AND LORD KITCHENER.

THE INADVISABILITY OF PRESENTING ADDRESSES BROADCAST.

At the Meeting of the Bombay Municipal Corporation held on 22nd September 1902, Mr. K. N. Kabrajee proposed that an Address of Welcome be voted, on his arrival in India, to Viscount Kitchener, who was coming to assume command of the Indian Army after his "brilliant and gallant achievements in the Soudan, Africa, etc." The Proposition being seconded Mr. Pherozeshah spoke as follows.

Mr. President,—I think it right to state at the outset why I am not going to vote in support of this Proposition in spite of the fact that there is much to say in praise of Lord Kitchener. I do not know if any of the members present had read the appreciative notice of Lord Kitchener's character which had appeared in one of the English papers most hostile to the South African War,— I mean, the *Truth*. If the members had read articles in *Truth*, they would have found that of all the generals who had distinguished themselves in the Boer War, there was no soldier who had earned such hearty appreciation from men of all opinions—from men who were in favour of, as well as those who were against the War—as Lord Kitchener had done, for the way in which he had conducted the onerous duties which were entrusted to him during that great conflict. So far as Lord Kitchener himself was concerned, I entirely join in the appreciation of the humane treatment he had meted out to his enemies. But the reason why I oppose the Proposition is that the Corporation has

always acted upon certain principles in giving Addresses. We have felt ourselves bound to give them,to the Members of the Royal Family of England and to the distinguished citizens who have served in this city and on the Corporation. A citizen might be inferior to a nobleman—he might be a simple individual without title—but so far as the Corporation is concerned, we have a greater, a more important duty to perform with regard to a citizen than a nobleman, or even a royal personage. It may not be known to some of the members that this point had been considered by this body on a previous occasion. I remember that Dr. Blaney had moved for the presentation of Addresses of Welcome to the Archdukes of the Royal Austrian Family, Prince Franz Ferdinand * and Archduke Leopold of Tuscany. The Corporation had then inquired about the precedents and as a result of that inquiry, the matter had to be dropped.† There was no resolution put on the record and the reporters were asked not to publish anything about it. Besides, in the whole history of this Corporation, never has it been known to present Addresses of Welcome to Commanders-in-Chief of India. Had there been such a precedent, we might have given an Address to one of the noblest and gallant officers of the British Army, Lord Napier of Magdalla, and also to another general of distinction, Lord Roberts, on their departure from this country where they were universally liked and respected. The Corporation were wise in confining themselves to certain lines and it is on this ground only that I oppose this Proposition though I would like to repeat that I have the highest appreciation of Lord Kitchener's great qualities.

Mr. President, there was one argument advanced by Mr. Kabrajee about which I should like to say something. It was in regard to this great soldier's services in the Soudan. Mr. Kabrajee has told us that by his victories at Omdurman,‡ Lord Kitchener has done signal services to the whole Empire but I make bold to say that India has not in any way benefitted thereby. It might be remembered that a portion of the cost of that War was endeavoured to be thrown on the Indian Exchequer because it was said that the conquest of the Soudan was a useful thing for India. But all true and disinterested friends of India in this country as well as in England protested against any such proposition, and it was pointed out that India had no interest in it whatever. It is no use going into a political disquisition on the subject, but I may tell Mr. Kabrajee that his allusion to Lord Kitchener's services in the Soudan is likely to lead many members to vote against his Proposition. It would have been better if Mr. Kabrajee had carefully considered the subject and consulted the feelings of the Corporation before having brought forward his Motion. As it is I cannot allow it to drop. This discussion ought not even to be reported, but I am afraid it is now too late to ask the reporters to withhold publication, because in that case it would be said that it was not allowed to be published as the members were afraid of their opinions. As to myself, I have this one virtue, that I have the

* The assassination of whom at Serajevo at the end of June 1914 was the immediate cause of the present Great War.

† This matter came up before the Corporation on 11th and 17th January 1893.

‡ In 1898.

courage of my opinions and am not afraid of being reported word for word, without the slightest omission of my speech. Before I conclude I might say that there is not the least doubt that Mr. Kabrajee has brought forward his Motion from a laudable and praiseworthy motive. He is nothing if not loyal; but I hope he would give me the same credit of being as loyal and as respectful as himself though I could not see my way to support this Proposition.

Mr. Kabrajee's Motion was lost there being 7 votes for and 25 against it.

18th INDIAN NATIONAL CONGRESS.

ELECTION OF MR. SURENDRA NATH BANNERJEA AS PRESIDENT.

The 18th Session of the Indian National Congress was held at Ahmedabad in December 1902. The Hon. Mr. P. M. Mehta in moving (23rd December) that the Hon. Mr. Surendra Nath Bannerjea be elected President, spoke as follows.

Ladies and Gentlemen,—It is now our business to proceed to chooseour President at this sitting of the 18th Indian National Congress. It is a formal function, gentlemen, which I have to perform, but it has always been a most interesting and important one. On this occasion it is even more interesting and more important than usual, because I venture to say that this Congress may be rightly denominated "the Coronation * Congress." (Cheers). Ladies and gentlemen, I may tell you why it is in the peculiar fitness of things that this Congress should be called the "Coronation Congress." On this platform we have off and on said that the greatest boon which the British rule has conferred upon this country is the boon of education, and I claim the magnificent outbursts of loyalty—sincere, spontaneous, personal, and palpitating with life and vigour, which were evoked on the occasion of the death of our late lamented Queen-Empress (Cheers), and on the occasion of the accession of His present Imperial Majesty King Edward VII (Renewed cheers)—as the result of education and the work of the educated classes, the educated classes who have been sometimes denominated as "the microscopic minority," (Laughter) who neither represent themselves nor the masses of the people. Gentlemen, I say that this is the work of the educated classes, and that it is from these educated classes that the feeling of loyalty has descended and has filtered down to the less efficiently educated classes who are known as the masses of the people. ("Hear, hear"). It is perfectly true that the soldier has been abroad in India maintaining and preserving peace and tranquility throughout the country, but, ladies and gentlemen, it is no less equally true that the schoolmaster is also abroad in India ("Hear, hear") transforming the feelings of gratitude for the preservation and maintenance of peace and tranquility ("Hear, hear") into sentiments of earnest, devoted and enlightened loyalty. Therefore it is that I venture to dub this Congress as the "Coronation Congress." ("Hear, hear"). Then,

* An allusion to the Coronation of King Edward VII which took place on 9th August 1902.

ladies and gentlemen, when we come to the question of choosing our President, whom shall we choose to represent our views and to put forward our feelings with eloquence, with statesmanship, with ability and with force ? Whom can we select to perform this task except the gentleman whose name I venture to place before you, Mr. Surendra Nath Bannerjea ? (Loud cheers.) I am not going to sing his praises. Is it necessary in the assemblage of delegates of the Congress, in the assemblage of the educated classes of the country, to introduce Mr. Bannerjea's name to you ? (Cries of "no, no".) We know that Surendra Nath Bannerjea is a man who has devoted his life to the cause of the Congress, that is to say, the cause of the country, (Cheers) who has never swerved from his duty to the people's cause and who has been always ready to undertake any work connected with that cause. Ladies and gentlemen, if you take up the report of the Congress that was held at Poona, you will find there everything that you desire to know about him. I need not, therefore, go into details. With these few words, I will ask you to give your cordial and unanimous approbation to his selection as your President. (Cheers).

The Proposition, after being seconded and supported, was carried by acclamation.

BOMBAY MUNICIPAL CORPORATION.

HONOUR AND DIGNITY OF PRESIDENTIAL CHAIR.

In the agenda paper for December 1902 stood four Notices of Motion from Dr. N. H. E. Sukhia, in which he had characterised a particular ruling of the President, Mr. M. B. Barbhaya, as "improper" and described certain remarks made by the President as "uncalled for, unwarrantable and improper." At the Meeting of the Bombay Corporation held on 12th January 1903 when these items were reached, the President remarked that under ordinary circumstances he would have ruled such Notices of Motion as out of order, but as they related to himself, he would ask the Corporation to deal with them. The Hon. Mr. Pherozeshah thereupon spoke as follows.

Mr. President,—Every member of this Corporation will go with me when I say that it is our duty to see that the honour and dignity of the Chair are upheld and vindicated. ("Hear, hear"). The President was quite right in observing that never in the history of the Bombay Corporation, have Notices of Motion, like these, been given by a member of this body. Such Notices were not given by the member on one occasion but they have been repeated from time to time, which, in any other assembly like the Corporation, would have rendered the member guilty of gross contumacy, and would have led to far more serious consequences than we could ever think of. The Corporation can, however, by virtue of the inherent authority vested in them, express it as their opinion that the conduct of a member who put forward such Notices of Motion, was most reprehensible. The member, who gave the Notices of Motion, stated that "in order, more fairly, to move the following propsitions, I shall,

first of all, move that the President do leave the Chair during the moving and the discussion of the propositions." The Proposition contained an imputation that if the President were to remain in the Chair, he would not deal fairly with either the member or the Notices of Motion given by him. It is in the first place absolutely illegal for any member to take the Chair. The President of the Corporation, whenever he is present at the meeting, must decide these questions. He cannot, as in the case of other bodies which are governed by special rules, be moved out of the Chair, allowing another member to take his place. It would be illegal to do so. With regard to the alleged "improper ruling" of the President, I would like to ask if any member of a constituted body like the Corporation, ever deliberately gave a formal notice of motion that the conduct of the President, in ruling a proposition out of order, was "improper"? The President of the Corporation, it is quite possible, might commit a mistake or an error of judgment or give a wrong ruling, but that does not entitle a member to call such conduct "improper" in a formal Notice of Motion deliberately given by him. ("Hear, hear.") The member is not only guilty of sending such Notices of Motion himself but he is also guilty of sending such Notices through his solicitors. To send such a Notice is wrong indeed but to send such a letter through solicitors is something which I can only characterise by a strong word which I am unwilling to employ. I accordingly move "that items 61, 62, 63 and 64 of the agenda, being Notices of Motion from Dr. Sukhia, be not entered in the minutes of the proceedings and that the Corporation is of opinion that the conduct of Dr. Sukhia in attempting repeatedly to bring forward such Motions couched in language disrespectful to the President, and containing unwarrantable aspersions on his fairness and that of the Municipal Secretary, is highly reprehensible."

Sir Pherozeshah's Proposition was carried.

BOMBAY MUNICIPAL CORPORATION.

PRESIDENTSHIP BY TURNS TO MEMBERS OF DIFFERENT COMMUNITIES.

At the Meeting of the Bombay Corporation held on 12th November 1903, the Hon. Mr. Pherozeshah said:—

Gentlemen,—It is necessary that we should now proceed with the business of filling up the vacancy in the Chair which has occurred by the resignation of Mr. Fazulbhoy Visram, the President of the Corporation. I submit for that purpose the name of Mr. James Macdonald. (Applause.) You will remember, gentlemen, that Mr. Macdonald has been a member of the Corporation for several years, and has served the Standing Committee for a great portion of that time. He is a most practical and useful member, possessing, as he does, a large share of common-sense and is ever ready to give good and wholesome advice to his colleagues in his usual

conciliatory spirit. He has a peculiar insight into men, and besides possesses many other qualities and general knowledge, all of which he always brings to bear upon the discussions in the Corporation. I am well aware that it might be said that Mr. Macdonald labours under certain disqualifications, one of them being that he is not a young man—(Laughter and "hear, hear.")—and that he has neither the energy nor the vigour which were thought in some quarters to be essential in the Executive Engineer. It is thought by some that young men should supersede older men in the Corporation. Now if that remark is levelled at me then I plead guilty to the charge of being an old man and am consequently liable to be disqualified by advancing years. But I think the Corporation will agree with me that though Mr. Macdonald is generally supposed to be an aged gentleman, he has the energy and vigour of a youngster. ("Hear, hear" and applause.) It is also said that Mr. Macdonald has served the Corporation for several years and that perhaps the right thing to do is to appoint one who has not served so long. But then, gentlemen, there is also the old-fashioned view that the longer one serves a public body the better qualified one is to preside over the destinies of that body. There is again another disqualification which has been urged against Mr. Macdonald and it is that he is a European. I would here like to say a few words in all seriousness on this point. An idea seems to prevail in the Corporation that the way in which it should proceed to elect its Presidents, is to give turns to the various communities sitting on the Corporation. I quite agree that that might, under certain circumstances, form one element of consideration in the matter of the appointment to the Chair, but I hope that members will seriously consider, at least those who put forward that view, that the qualification which ought to be expected from the candidate who is to be our President, is that he is a fit man to fill the Chair in the right manner. ("Hear, hear.") I do not thereby mean to say that the arrangement of selecting a member of each community by turns, should not be taken into account. What I wish to say is that if it is the turn of a Hindu, it must not be contended that because it is the turn of a Hindu, a Hindu only should be appointed to the Chair, in spite of there being better qualified members belonging to the other communities. That is a matter to which I invite your earnest attention. I ask you, gentlemen, if it is the right and proper way of filling the Chair of a body like the Corporation? I hope that you will seriously consider the question of giving turns to the several communities,—an arrangement which must only occupy a subordinate position, the first and foremost consideration being the absolute qualifications and merits of the person whom we propose to place in the Chair. (Applause.) As distinguished from several other bodies, the Hindus, Parsis, Mahomedans and the English have not been working as distinctive communities on the board of this Corporation but as common citizens of the great city whose interest they have all at heart and which they are all bound to work for and to serve. When people talk about the Hindu interest, the Parsi and Mahomedan interests, they must remember that on the Bombay Corporation we disregard all race prejudices and predilections and work together as common citizens of a common city. As far as I am concerned I have not found more useful and more sympathetic

colleagues working with me in the Corporation than those belonging to other communities than mine. ("Hear, hear.") As members of the Corporation, there ought to be no distinction of caste or creed, and it is in that spirit that we should proceed to elect the President of this body. The occupant of the Chair presides over a number of gentlemen who belong to the various professions and who are often of high status and qualifications, and he must therefore be one who could make an impression upon all those people. He should also be one to whom implicit obedience could be rendered. Taking that view, I venture to put forward the name of Mr. James Macdonald who is well qualified in every respect to be our President for the remaining period.

The Hon. Mr. Pherozeshah's Proposition was carried nem con.

19th INDIAN NATIONAL CONGRESS.

ELECTION OF MR. LAL MOHUN GHOSE AS PRESIDENT.

At the Meeting of the 19th Indian National Congress held at Madras in December 1903, the Hon. Mr. Pherozeshah Mehta, who, on rising, (28th December), was received with loud and prolonged cheers, proposed the election of Mr. Lal Mohun Ghose to the Presidentship of the Congress in the following speech :—

Brother Delegates,—We must now proceed to the task of electing the President of the 19th Session of the Indian National Congress. But, Brother Delegates, before I proceed with the motion, will you allow me, as one of the privileges of garrulous age, to say one word to congratulate the distinguished Chairman of your Reception Committee—(Cheers)—on the excellent and graceful speech in which he has welcomed us to this Congress? (Cheers). I am sure, gentlemen, that we are not surprised at the character of the speech that we have just heard, when we remember how much the Honourable Nawab Syed Mahomed has distinguished himself in the Supreme Legislative Council—(Cheers)—distinguished himself by showing a thorough and sturdy independence, no doubt most sober and temperate, but at the same time firm and unflinching. Now, Brother Delegates, I could not ask you to elect a President, because it is all settled beforehand, but would place before you the name of the distinguished gentleman for whom, I will ask formally your suffrages—the name of Mr. Lal Mohun Ghose. (Cheers.) Gentlemen, in electing a President, we do not look to claims; we select only those who have distinguished themselves in the cause of their country by great abilities and valuable services. Speaking of Mr. Lal Mohun Ghose in this connection takes me back several years; and I come to an event which I consider to be an event of very great historical importance to this country—the introduction of a native of India to that great historic assembly, the House of Commons in the British Parliament. (Cheers.) That honour, gentlemen, was obtained by one whom I will not call a Parsee, whom I will not describe as belonging to the community to which I belong, whom I will not describe as belonging to one Presidency, but as one who has belonged and will always belong to the whole of

this country—Mr. Dadabhai Naoroji. (Cheers.) Gentlemen, the credit of that achievement certainly belongs to the Bombay Presidency. You must not be jealous. (Laughter.) But, gentlemen, there is a credit which is equal to, if not even greater than that success—the credit of having prepared the way for that historic consummation. Gentlemen, I say this to-day as I have said before when congratulating Mr. Dadabhai Naoroji—(Cheers)—on his election, in the Town Hall of Bombay, that the credit of that great preparation, of that strenuous preparation, belongs to Mr. Lal Mohun Ghose and to the Bengal Presidency.* It was then we discovered that Mr. Lal Mohun Ghose united in himself great abilities with wonderful grasp of great political questions. Since then, gentlemen, if Mr. Lal Mohun Ghose will allow me to say so, we have been always looking forward, and looking forward. He gave us the reasons the other day at Calcutta why he kept us waiting looking forward. But, gentlemen, those personal reasons are not reasons into which we can go to-day; but I will summarise the whole thing by saying that Mr. Lal Mohun Ghose, after his great exertions in England, became a political *yogi*. (Cheers.) He gave himself up to political meditation and political contemplation. Now there are great advantages in becoming a political *yogi*, in giving yourself up to political meditation. But there are also dangers.† You will not only not get into the turmoil of public life by that way, but you are apt also to miss the realities of that public life from which you have retired into contemplation; and my friend Mr. Lal Mohun Ghose will permit me to say that in his political *yogism* he may have formed ideas which are not quite real, which are not quite practical. For example, Brother Delegates, he may imagine that I, a mild Parsee, belonging to a mild race, may be charged with being a despot. Why, gentlemen, he might apply to me the words from one of the great historians, that I talked the language of patriots but trod in the footsteps of despots. Can there be a greater calumny on a mild Parsee than that? Then, gentlemen, he might again imagine, not coming in actual contact with us, but reading only newspapers, that there are terrible factions and cliques in the Congress. He might imagine, because some of us sometimes playfully excite ourselves into exaggeration, that we are all divided and severed by factions and cliques. I will venture to tell him, now that he has come out of his political *yogism* that we have our little differences—we always had them and shall have them I hope; but factions and cliques founded on personal objects and selfish aims have been totally unknown to us. We have been bound

* He contested the constituency of Deptford as far back as 1885, seven years before Mr. Dadabhai was returned to the House.

† The Hon. Mr. Pherozeshah here criticises the following statement in Mr. Lal Mohun Ghose's Presidential Address which was actually published about a week before it was delivered at the Congress:—

"Although for the last few years I have not been able to take the same active part in the discussion of our public affairs as I had been accustomed to do in former years, I can truly say that I do not come before you as a political Rip Van Winkle, for, these latter years, if they have not been a period of action, they have been a period of thought and reflection. I have followed every important political question with unabated interest, and perhaps the views slowly matured in the retirement of my study may be somewhat worthier of your attention than if I had rushed to the platform on every imaginable occasion."

together, in spite of differences, by one common desire to work for the good of our country. (Cheers.) I make no exception, not even of those who might differ from us most. I hope Mr. Lal Mohun Ghose will take that assurance from me, that of cliques and factions we know nothing in the Congress. Gentlemen, when you think of it, is it not a wonderful thing that, coming from all parts of this great Continent, coming from Presidencies divided by long distances from each other, belonging to different races, holding different religious views, we still are able to feel ourselves as if we were one in the pursuit of that one great aim, the cause of our country? (Cheers.) But, gentlemen, retire as Mr. Lal Mohun Ghose may into political *yogism*, we were not prepared to let him remain there for too long a time; and, gentlemen, we have dragged him out of his political *yogism*. Here he is among us, prepared to do his duty by the country which he served so well in the old days, and let me hope that now that he is out, he will continue to devote his great abilities, his high qualifications, for the service of the country which I know he loves as dearly as any one of us. ("Hear, hear.") Now, Brother Delegates, for these reasons I have come before you to ask you to give your enthusiastic cheers and your enthusiastic suffrages for the election of Mr. Lal Mohun Ghose as President of the 19th Indian National Congress. (Loud applause).

The Proposition, being seconded and supported, was carried unanimously.

OVERCROWDING IN BOMBAY.

Under the auspices of the Bombay Sanitary Association, a Paper on the question of housing the poor of Bombay, was read by Sir Bhalchandra Krishna, Kt., on 30th April 1904. The Hon. Mr. Pherozeshah, who was voted to the Chair, in opening the proceedings, spoke as follows :—

Gentlemen,—We have met here this evening to bear views upon one of the most important questions which affect the health and welfare of this city. That question is the overcrowding of Bombay. Though most of us disagree as to what is plague, how it came here, how it works and how it has increased the mortality of Bombay, I think as practical men we are all agreed upon one point and it is this that whatever might be the other causes, one cause which has largely enhanced the mortality of the city, has been overcrowding. It was not always so. I remember that after 1865 when Bombay passed through a very bad stage of mortality, its health continued to improve until we approached the nineties when it went down so low as 20 or 25 per thousand. It is since then that the mortality began to increase and it went up to such an extent that we would now almost welcome if it ranged from 40 to 50 per thousand. I am afraid that our prosperity during this period had been one of the causes of this overcrowding and the consequent increased mortality. We have been very proud of our mills and some of our best citizens

are millowners who take a great interest in that industry. I am afraid that under the superstition that we must not touch anything that encourages and promotes plague, we have allowed to be built a large number of mills in the very midst of the city thereby not only causing overcrowding of the mills, but overcrowding of the people who are necessary for the working of the mills. Our very prosperity has contributed to the overcrowding. Then again the facilities which the Port Trust gave to the trade of the city must have also contributed very largely to the mortality. Here we are now, not knowing as to how we should proceed to diminish this overcrowding. I think that Sir Bhalchandra as a distinguished member of the Improvement Trust would tell us that the Trust was trying and striving hard to improve this state of things. I am afraid I will not be able to agree with him if he tried to show that in his lecture. No doubt the Trust has now awakened to see what should be done about the overcrowding. I think the Improvement Trust can be compared with a man in a hurry. It was created in a hurry, it took up large schemes in a hurry, and it has now suddenly discovered that working in a hurry it cannot provide for all the people who are unhoused. It might be said that the people who have been unhoused by the immediate operation of the Trust do not represent a very large number. Sir Bhalchandra might tell us that the Improvement Trust was trying all in its power to diminish overcrowding. But I venture to say that it has not realised either the importance or the complexity of the problem it has to solve. Some people in Bombay seem to imagine that if they succeeded in building a number of *chawls* in the city and provide a certain number of rooms to live in, overcrowding would cease. Experience, however, has told us that there could be no greater misconception than that. The same experiment was tried in some places in England, America and the Continent, and the result was that sometimes when sanitary houses were built, the overcrowding increased, for new people occupied new houses, and the people who had been unhoused went and lived in those parts which were already overcrowded. But this was not enough and judging from the reports that appeared in the papers, the Improvement Trust has up to the present no further conception of measures to be adopted than building more *chawls*. My friend the Hon. Mr. Vithaldas has taken an active part in formulating schemes as to how the various *chawls* and buildings might be built. I am afraid that unless we go to the very root of the matter, unless we consider the economic condition of the people for whom this accommodation is to be provided, and unless we find out where they would be properly housed, we will not be able to solve the problem satisfactorily. With such purpose in view, the Bombay Municipal Corporation tried to induce Government to appoint a representative Committee for the purpose of inquiring into and discussing this important question; but somehow or other, the Government have taken up a position of the fond Father of the Improvement Trust. With the affection which a parent bears to the youngest born, Government are fondling their newest baby and say that it does as much as it can and that if such a Committee as the Corporation suggested be appointed, it would be a reflection on the Improvement Trust. In their anxious desire to fondle their new baby, Government say that there is no necessity for such

a Committee and that the Trust is able to solve the problem. I think Government will be awakened to the difficulty of the position which they have taken up when matters became very much worse than they are now. I am of opinion that no additional *chawls* would solve the problem and I hope and trust that it would be recognized that before the Trust proceeded with that scheme, a careful inquiry should be held by a Committee of the representative men of Bombay and a report received from it pointing out the direction in which those measures should be adopted.

With these few observations, I now call upon Sir Bhalchandra to read his Paper.

SIR PHEROZESHAH ENTERTAINED BY THE BOMBAY CORPORATION.

The members of the Bombay Municipal Corporation entertained Sir Pherozeshah, the leader of the House, at a Banquet at the Masonic Hall on 1st August 1904, in celebration of the bestowal upon him of a K. C. I. E. by the King-Emperor. Mr. James Macdonald gave the toast of the evening to which

Sir Pherozeshah said that he was extremely obliged to the company present for the kind feelings which had actuated them in getting up the entertainment in his honour. When he first came to know of the Municipal dinner he was a bit alarmed. All that he heard at the outset was from a friendly talk with the Chairman one afternoon after the Corporation Meeting was over, as to whether the speaker would dine with him. Innocently he at once replied in the affirmative that he would do so with the greatest pleasure. But a little later on he understood to his great alarm what he meant by that friendly dining. On such functions as those that he had lately to attend, a feeling crept over one that after all they were being overdone. However he was all the same thankful for the kindliness which prompted his colleagues both of the present and of the past Corporations to invite him to a sumptuous repast. Indeed that was the third instance of their kindness and generosity. At first, the President had greatly praised him in terms most flattering. Then his old and valued colleagues, one by one, spoke in warm and eulogistic terms, which he felt were more than his due; and now was the third function which spoke of their extreme kindness and goodwill. He would confess at once that he had done what little service he thought it was his duty to render to the city. But after all it was not over much to deserve such handsome treatment. He might however mention that the key to the success he had been able to achieve in the Corporation, remained to be revealed. Though the speakers at the Corporation had referred to many points, they seemed to have omitted one. It was the training and discipline, which by long years of contact with many an elder member of the Corporation, European as well as native, he had been able to acquire, and which is the true key of that success. They were stalwarts indeed, men of great culture, ability and experience who had made the public life of Bombay so admirable and so unique. They were Messrs. Forbes, Maclean, Geary, Martin Wood, Col. Hancock, Drs. Cook, Blanc, Hunter and Maconochie,

Nowrozjee Fardoonjee, Viswanath Mandlik, Sorabjee Bengali, and others,—stalwart men indeed, men whose memory deserved to be written in letters of gold in the Municipal history of Bombay. It was the training, Sir Pherozeshah observed, which he had received during the early days of his Municipal career, which enabled him later on to be so useful a member of the Corporation. He was glad also to emphasise another fact in the history of the Corporation, namely, the non-sectarian spirit in which all worked together in harmony, with a singleness of purpose, *viz.*, to do the city the greatest good. Whatever might be the political differences outside the Hall of the Corporation and however trenchantly they might be accentuated elsewhere, in the Corporation itself those differences were entirely forgotten. There was no conflict there. As an instance, he might mention Mr. Maclean. He belonged to a different school of politics from that of the many able Indians in the Corporation and even went once to the length of characterising natives generally as a "brood of vipers." But in the Corporation, the native gentlemen never remembered his hard sayings. Moreover, Mr. Maclean himself was a different man when he entered the Municipal Hall and all worked together as harmoniously and smoothly as possible. And Sir Pherozeshah was glad to say from his long experience that that spirit had been maintained, and he hoped it would always be maintained if the great good and welfare of the city was alone to lead the aim and object of members entering the Corporation. Passing on to another theme, Sir Pherozeshah dilated at some length on what had been often said as to his leadership. He had been spoken of as leading the Corporation. In connection with that he would make another confession, and it was that instead of leading he rather followed the Corporation. (Loud laughter.) The fact was this. He watched the trend of opinion of his colleagues on any given question; he tried to give out his own views with the object of evoking other views and by those means he found out on which side the correct opinion lay. That was his invariable practice for years and what he found from experience was that the Corporation in almost all cases took a sound common-sense view of matters; indeed common-sense has uniformly asserted itself, and it was because he was able to fall in with that common-sense view that he was curiously said to be leading the Corporation. Lastly, apart from the Corporation, he could not refrain from giving his due meed of praise to the long line of Municipal Commissioners who have helped the cause of local self-government. In that respect he had nothing but the highest praise for the Government which had given them very best men from time to time. There had been Mr. Peddar, a most able and devoted officer, next there was Mr. Grant. Then came the long Commissionership of Sir Charles Ollivant to whom Bombay owed a great deal of the expansion of the city. Not to speak of others, there was the present Commissioner Mr. Harvey, a most able, conscientious and far-sighted officer on whose services he would not dilate at length on that occasion, for every member knew his sterling worth. (Loud cheers). All these elements had combined to make local self-government in Bombay the success it was and he was glad to think he had his humble share in it. Sir Pherozeshah then once more thanked most cordially the company for the kind manner in which they had entertained him.

BOMBAY MUNICIPAL CORPORATION.

ADDRESS OF WELCOME TO LORD CURZON—DISTINCTION BETWEEN VICEROY AND GOVERNOR-GENERAL.

When Lord Curzon was about to return to India, after an absence of about six months in England, to re-assume the reigns of Government, Mr. Hormasjee S. Chothia moved at the Meeting of the Bombay Municipal Corporation held on 12th September 1904— "That the Corporation do vote a cordial Address of Welcome to Lord Curzon, the Viceroy-designate, on his arrival in Bombay to assume the office of Governor-General of India," &c. Lt.-Col. H. P. Dimmock seconded the Proposition. The Hon. Sir Pherozeshah then said—

Mr. President,—In moving his Proposition Mr. Hormasjee disclaimed all idea of using eloquence and rhetoric. I think we may take it that Col. Dimmock was of a contrary opinion and though every one of us may not be ready to join cordially with what he has said, we must confess that he has expressed himself in a somewhat rhetorical fashion. It seems to me, however, that Col. Dimmock has missed the point. The present occasion is not the same as that of a fresh or new appointment. I venture to think that it is a pity that the practice of bringing motions of this character without consulting those who might happen to hold different views, should be getting commoner now-a-days. After all the eloquence that has been brought into requisition and after all legal fictions have been pressed into service, neither Mr. Hormasjee nor his supporters have succeeded in proving that the present occasion is the same as that of a fresh nomination. Whatever arrangements might have been legally necessary, it is clear that Lord Curzon is returning to India after a short leave for much needed rest. On such an occasion it is not absolutely necessary to repeat a formal welcome as in the case of a new Viceroy. The Motion, however, is there, and in voting about it, I think it right to state frankly how far I am able to associate myself with it and how far I find it impossible to do so. On the assumption of the direct Government of India by the Crown in the year 1858, the Governor-General of India under the East India Company was constituted and appointed Viceroy and Governor-General of India; Viceroy as personally representing the Sovereign, and Governor-General as the head of the administrative Government. As Viceroy representing our beloved Sovereign, we can never be behindhand in tendering our loyal and cordial welcome to Lord Curzon commensurate with that enthusiastic and deep-seated loyalty which has distinguished us by universal acknowledgment. How firmly implanted and enthusiastic that loyalty is, was shown beyond question by the profound outburst of feeling which was evoked on the death of the good Queen Victoria, and on the accession of His Majesty the King-Emperor. I am never tired of pointing out that the growth and development of that loyalty is due in no small measure to the action of the educated classes and those in contact with them. It is true, as we are reminded in season and out of season, that the soldier is abroad, preserving peace and tranquility throughout the country;

but it is no less true that the humble schoolmaster is also abroad transforming the feelings of gratitude for the maintenance and preservation of order and peace, into a sentiment of earnest, devoted and enlightened loyalty. There can therefore be no question that our most loyal welcome is cheerfully and cordially due to the Viceroy as representing the august Majesty of our Most Gracious Sovereign the King-Emperor. As regards the Governor-General, who is responsible for the good government of this country, the case is, however, somewhat different. We are at all times bound to speak of and act towards all dignitaries of the state with courtesy and respect. But our convictions as to their measures and policy can only be our own, and nothing binds us to act in violation of them or do anything which may be directly or indirectly understood or interpreted as approving them when our convictions do not go with such approval. I for one had been one of those who had looked forward to the administration of Lord Curzon with warm, even enthusiastic, hope. It was I who had drafted the Address which the Corporation presented to him on his second visit to this city in November 1900 and which was described by the President in this very Hall as "fulsome." But at this moment I cannot help saying that I sorrowfully deplore with the rest of the country that the most important measures of Lord Curzon's administration have not been in conformity with his declarations and assurances. The curtailment of the Municipal franchise in Calcutta, the inauguration of a similar policy in Madras, the passing of the Official Secrets Act, the Universities Act, the withdrawal of competitive tests for entrance in the Provincial Service, and above all the tampering with the declared policy of the Crown for the Government of this country, as in the time of Lord Lytton, by misconstruing the words of the great Proclamation of 1858,—these are measures which we keenly deplore as most retrograde, reactionary and unwise. Rightly or wrongly we bewail that these measures are calculated to upset and revolutionise, or to use a more classic phrase, to break the continuity of that policy of righteousness which, though not always acted upon and sometimes submerged in turbulent waves, was never so openly denied to be the declared and unalterable policy of the Crown for the good government of this country as during Lord Curzon's administration. Those injudicious measures have provoked sorrowful regret and sorrowful protest throughout a greater portion of this land. That being so and holding views adverse to those expressed by the supporters of this Proposition, I find it impossible to conscientiously join in the presentation of any Address in which directly or indirectly approval is given to measures of the character I have just described. I am quite willing that as Viceroy and representative of His Gracious Majesty the King-Emperor, he should receive honour, courtesy and respect,— thus far I am prepared to go and not any further. I would therefore ask Mr. Hormasjee if he would agree to a modification of his Motion and consent to confine the Address to a cordial welcome to Lord Curzon as Viceroy and representative of the King-Emperor. There are several who think likewise on the subject. The modification can be effected by dropping the words "to assume the office of Governor-General of India."

Mr. Hormasjee having declined to accept the proposed reconciliatory suggestion, the Hon. Sir Pherozeshah moved an Amendment "That on his landing in Bombay, a cordial Address of Welcome be presented to H. E. Lord Curzon of Kedleston, the Viceroy-designate, representative of His Gracious Majesty the King-Emperor," which was lost there being 26 members in favour, and 27 against it. The original Proposition was carried by 34 votes against 23.

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The Times of India of 14th September 1904 remarked in its editorial columns :—

"Led by Sir Pherozeshah Mehta, a section of the Corporation.....attempted to distinguish between the Viceroy and the Governor-General and to welcome Lord Curzon as the representative of the Sovereign, whilst ignoring him in the capacity of Governor-General. It hardly needs to be said that the position is quite untenable. In the disquisition with which he favoured the Corporation as to the origin of the term "Viceroy," Sir Pherozeshah Mehta omitted, according to the reports of his speech, to mention one important fact that the term "Viceroy" is not recognised by law. Since the transfer of the Government of India to the Crown, the term "Viceroy" has been commonly applied to the Governor-General, but it has no legal warrant. To attempt to differentiate therefor ebetween Lord Curzon as Viceroy and as Governor-General is like discriminating between Mr. Balfour as Premier and as Prime Minister."

To this Sir Pherozeshah replied as follows :—

To The Editor,

The Times of India.

Sir,—In your leader on the Bombay Corporation in the Times of India of the 14th September, you observe that "Sir Pherozeshah Mehta omitted, according to the reports of his speech, to mention one important fact that the term "Viceroy" is not recognised by law. Since the transfer of the Government of India to the Crown, the term "Viceroy" has been commonly applied to the Governor-General, but it has no legal warrant." Permit me to draw your attention to the following quotation from the "Proclamation by the Queen in Council" of 1858 :—

> "Whereas, for divers weighty reasons, we have resolved, by and with the "advice and consent of the lords spiritual and temporal and commons in "Parliament assembled, to take upon ourselves the government of the "territories in India, heretofore administered in trust for us by the "Honourable East India Company: And we, reposing especial trust and "confidence in the loyalty, ability and judgment of our right trusty and "well-beloved cousin and councillor, Charles John Viscount Canning, do "hereby constitute and appoint him, the said Viscount Canning, to be our "first 'Viceroy' and 'Governor-General' in and over our said territories, and "to administer the Government thereof in our name."

PHEROZESHAH M. MEHTA.

Deolali, 15th September 1904.

INDUSTRIAL AND AGRICULTURAL EXHIBITION OF THE 20th I. N. CONGRESS.

The opening ceremony of the Industrial and Agricultural Exhibition organised by the Exhibition Committee of the 20th I. N. Congress was held on 10th December 1904 and was presided over by H. E. Lord Lamington, Governor of Bombay, and Lady Lamington.

Sir P. M. Mehta in proposing a Vote of Thanks to Their Excellencies, said:—

Your Excellencies, Ladies and Gentlemen,—I stand in a position that somewhat demands your compassion. I have been entrusted with the task, the extremely agreeable task, of moving a Vote of Thanks to Their Excellencies Lord and Lady Lamington. (Applause.) But I feel that the Chairman of our Committee in entrusting that task to me might have spared me something to say from the speech which he himself made instead of anticipating me so entirely. (Laughter.) Then, ladies and gentlemen, I am somewhat discouraged by the words that have fallen from His Excellency. He has given me a very broad hint that in this hot *shamianah* we must speak as little as ever we can. However, gentlemen, I fortify myself by the reflection that in a gathering of Bombay citizens we cannot part without expressing our sense of obligation to Their Excellencies for the kind manner in which they have come here to-day. (Applause.) Ladies and gentlemen, I am not one of those who believe that the promotion and development of the industries and manufactures of India will prove a panacea for all her evils. ("Hear, hear.") I am not one of those who think that we should not devote ourselves to anything but that promotion and development, but I do earnestly believe, and think nobody will deny it, that the promotion and development of the industries and manufactures of this great country will go very far towards the promotion of its welfare and its prosperity. (Applause.)

Ladies and gentlemen, I was reading only the other day an address delivered by Sir Guilford Molesworth, who has been elected to the Chair of the Institute of Engineers, who said that if India were isolated from the rest of the world, there was nothing, neither mineral nor raw material, that we could not produce ourselves, not only for the purpose of providing for ourselves, but for sending them out as exports to England, to Europe, and other parts of the world. Ladies and gentlemen, in the past—I hope His Excellency will allow me to say so—both the people and the Government have proved rather indifferent to this important work of developing the industries and manufactures of India, but to our great gratification signs are apparent that both the Government and the public are waking up to the necessity of devoting themselves to this important task. And why, we are so grateful here, to-day, for Lord Lamington's presence signifies that he is helping and assisting us in this important and beneficent work. ("Hear, hear.")

Ladies and gentlemen, speaking here one speaks under the terrors of the Official Secrets Act. (Laughter.) I trust His Excellency will not order my prosecution for

disclosing any official secret. The Secretariat is closed with doors of brass and triple steel and still we do get glimpses of things going on behind the doors and, if it is not irrelevant, I would like to say that I can never understand why they should close the doors of brass and triple steel. Because I know that if those doors were open, what was sometimes considered unfair and hard criticisms would be turned into admiration for kindly deeds—I might say for many loving and generous things—done by Government officials within those doors. (Applause.) The Government is sometimes subjected to hard criticisms through ignorance, but they are themselves responsible for it. I trust that I betray no official secret when I say that with the capacity, the courage and the will to judge for himself, which has always distinguished His Excellency, he has extended the hand of support and countenance to this Exhibition—if I might use a hackneyed phrase altered a little—irrespective of all consideration of caste or creed, race or politics. ("Hear, hear.")

Ladies and gentlemen, in the speech which His Excellency made at the Town Hall recently, he said that the principles on which he based his administration were administrative honesty and equal justice. (Applause.) Will His Excellency allow me to add that the feeling of kindly and liberal sympathy is the result of broad-minded culture and warm-hearted impulse, and in coming here to-day, in giving us all the help which His Excellency has done, he has shown us that, after all, the most valuable fruits of administrative honesty and equal justice can only be obtained by extending to the people under his rule kindly and generous sympathy. (Cheers.) Ladies and gentlemen, Government have infinitely obliged us by giving the Oval for the Exhibition and in various other ways His Excellency and the members of Government have extended their assistance to us. Will His Excellency allow me to supply an omission which the modesty of Mr. Vithaldas* has left unfilled? This Exhibition would never have been were it not for the great zeal which Mr. Vithaldas has shown. (Applause.) I need hardly add the name of Khan Bahadur Murzban† for what show in Bombay has ever been run without him? (Laughter and applause.) And I am giving you these names not quite disinterestedly, for I take credit to myself for impressing Mr. Murzban into this service and for finding Mr. Vithaldas to be Chairman of the Committee. ("Hear, hear.") I think Mr. Vithaldas and Mr. Murzban will be found invaluable co-workers in establishing such a museum as His Excellency suggests. (Cheers.)

And now, ladies and gentlemen, I have a far more agreeable task before me. Could anything be more graceful and more gracious than the way in which Lady Lamington has come forward to help in the cause of the Ladies' Section of the Exhibition? (Applause.) You remember well how she won all our hearts during the last Bombay season in taking a kindly and sympathetic interest in the welfare of the people. (Applause). I am sure I am not disclosing an official secret, or to use the Irish way of expressing it, a public secret, when I say

* Mr. (afterwards Sir) Vithaldas Damodar Thakersi.

† M. C. Murzban, M. Inst. C. E., C. I. E., Executive Engineer, Bombay Municipality.

Their Excellencies in going about and prying into every nook and corner of Bombay, they—for Lady Lamington has been included in the term—have been spoken of as that famous Caliph of Bagdad, Haroun-al-Raschid. (Loud applause.) This year Lady Lamington inaugurates her interest by coming here this afternoon to assist us in the object which we have so much at heart. I am sure you will agree most cordially in this Vote of Thanks which I propose to their Excellencies for their kindly help and sympathy. (Loud Applause.)

20th INDIAN NATIONAL CONGRESS.*

THANKS TO THE PRESIDENT, SIR HENRY COTTON.

On the 3rd and last day (28th December 1904) of the 20th I. N. Congress which held its Session in Bombay, Sir Henry Cotton, the President, thanked the Reception Committee and those who had in various ways assisted it and in doing so he said :— "Most of all there is the distinguished President of your Reception Committee, Sir Pherozeshah Mehta, to whom we are indebted from every point of view, who has spared no trouble, no pains, to make our visit as agreeable and easy as possible. (Three cheers were called for Sir Pherozeshah Mehta who was described by a voice from the crowd as "the uncrowned King of India".) He has entertained us at our magnificent residence on the Malabar Hill, he and his son have shown every possible form of kindness that they could to us. It is impossible for me to do justice to him".

The Hon. Sir Pherozeshah then moved the XXII Resolution—"Thanks to the President." He was received with vociferous and enthusiastic cheering when he rose to address the assembly as follows :—

Brother Delegates,— I cordially endorse the cheers with which you have greeted me, because I know that these cheers are not for me personally but for the task which I have come forward to perform.

Brethren, I am deputed— I rejoice I am deputed—to give expression to the unutterable feelings of gratitude which are filling our hearts with respect to the Chairmanship of Sir Henry Cotton. (Cheers.) Brethren, it has been said that the popularity of the Congress has been waning ("No, no") and that the interest in the Congress is disappearing ("No, no"). Gentlemen, I give you an answer which even goes beyond the "No noes" which I have heard. Look at this vast assemblage. I remember the Congress which was held in Bombay in 1889. It has been accepted all over the country as the most successful and the largest Congress ever held (Cheers.) Gentlemen, those amongst you who were present at the Congress of 1889 will bear me out when I say that this is a grander, a more magnificent, a greater gathering than that which Bombay witnessed in 1889. (Cheers.) Gentlemen, I ask

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* For Sir P. M. Mehta's speech as Chairman of the Reception Committee, 20th I. N. Congress, see "Speeches and Writings of Sir Pherozeshah Mehta," Edited by C. Y. Chintamani, pp. 208 to 226.

you, again to consider the number of delegates before you, the enthusiasm which they have shown, and the cordiality with which they have responded to the call of duty which has been imposed upon them. Even beyond the circle of delegates, I ask you to look at the assemblage of the citizens of Bombay and the visitors from the whole Presidency who have gathered around you. (Cheers.) My friend Mr. Wacha asks me not to forget the ladies. Whoever does forget the ladies? (Laughter.) Gentlemen, this vast assemblage even outside the holy circle of delegates, why, gentlemen, as you yourselves must have observed, have joined in your voices and cheered your speakers on the platform. This shows that this Congress is as throbbing, living and vital a body as it ever was. (Cheers.) Sir Henry Cotton, the credit for this great gathering belongs, to a very large extent, to you. (Cheers.) It is your presence that has gathered together all these people from all parts of the country, and the citizens of this great city; and it is to you, Sir, that this vast assembly and this great multitude are largely due. Gentlemen, is it a wonder that people have thronged from all parts of the country to greet Sir Henry Cotton in the Chair? Gentlemen, he lost the Lieut.-Governorship of Bengal because he pleaded the cause of the poor *coolies* of Assam, (Cries of "shame") but, gentlemen, he has gained a larger and a grander Governorship (Cheers), a greater Governorship than the Lieut.-Governorship of Bengal; he has secured the Governorship of our hearts and minds. (Cheers.) All the hearts and minds of the people coming from all parts of the country unanimously agree in their honour, esteem and affection for Sir Henry Cotton. (Cheers.) Gentlemen, our English friends are rather hard to please (Laughter.) When we confined ourselves to Indians and when we had Indians only as our Presidents, why, they poured ridicule upon us as an assemblage of amateur politicians and administrators without any experience,—of people who talked about things of which they knew nothing. Well, gentlemen, we bore the ridicule; we tried to improve. We got an experienced administrator, an administrator who has been one of their own shining lights to preside at our Congress, to guide us by his advice and by his experience. We are then told that these things ought never to be, an experienced English administrator has no business with Congress whatever! (Laughter.) But where are we then to turn? Shall we go back to our amateur politicians and not have any of these trained administrators? (A voice:—Go to the "Times of India".) That shows that it is very difficult for a particular portion of our Anglo-Indian friends to swallow a hard nut, which they have to swallow in the person and presence of Sir Henry Cotton. They tried to minimise his importance and they tried to soften it by—what shall I say?—By abuse? I will not use that word in Bombay. I do not think that those critics who wrote against the Presidentship of Sir Henry Cotton meant to be abusive. But when there is a lame cause to plead, dignity is often apt to degenerate into abuse. Well, gentlemen, whatever they may say, whatever may have been the loss of the province of Assam or Bengal, it is a gain to the Congress that we should have secured to-day Sir Henry Cotton. Gentlemen, those of you who have not been on the Subjects Committee cannot appreciate fully the importance of his guidance and

advice, and those who were on the Subjects Committee will tell you how important and valuable that guidance and advice have been. (Cheers.) Therefore it is, gentlemen, that we, the delegates assembled in this Congress, pour out our feelings of gratitude through my voice to Sir Henry Cotton for having come all the way from England to preside at our deliberations. (Cheers). Gentlemen, he left what is going to be his own constituency—Nottingham ; he left them for a time to come to us. Let us gratefully acknowledge the great favour which that constituency has done us in allowing Sir Henry Cotton to come amongst us. Let us send our voice a little further and tell them that they will confer a great boon on this country by returning Sir Henry Cotton to Parliament. * (Cheers.) Gentlemen, I therefore ask you to accept—I will not say a formal conventional vote of thanks but—a sincere vote of thanks proceeding from all our hearts, to Sir Henry Cotton for presiding over this assembly. (Loud and enthusiastic cheering.)

The Resolution was seconded and carried by acclamation.

SIR PHEROZESHAH AND THE ELPHINSTONIANS.

A Meeting of past and present students of the Elphinstone College was held on 27th January 1905 for the purpose of entertaining the Hon. Sir Pherozeshah Mehta and of presenting him with a massive silver Centre-piece,† subscribed for by the students of the College, on the occasion of his being Knighted by the King-Emperor in June 1904. Principal M. Macmillan, who took the Chair, eulogised the services of the new Parsi K.C.I.E. in reply to which

Sir Pherozeshah said he really did not know how to thank them for the great kindness, or Mr. Macmillan for presiding on the occasion, which he could only attribute to that gentleman's kindly sympathy and keen solicitude which he was ever known to extend to the students and with which the co-operation of a lady like Mrs. Macmillan was always associated. He thanked those present for the cordial reception they had given him that afternoon. Among them he felt forty years younger, as if transformed by the magic attributes of the "Crystal Stone." He might venture to agree with Mr. Macmillan in one thing and that was that his the speaker's) love and attachment to the College, and his pride and joy in his having been a student ‡ in it, and the happy days he had passed in it, were unalterably fixed in his heart. Mr. Macmillan, who was an eloquent and an excellent speaker himself, had led them to expect a speech from him, and to induce him to

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* He was returned to the House of Commons a year later by the same constituency.

† Sir Pherozeshah invariably used to tell his visitors at his Bombay residence, that this Centre-piece, which occupied a prominent position in his drawing-room, was one of his proudest possessions and that he highly valued this mark of appreciation of his public services by the students of his "dear old College."

‡ He was a student of the Elphinstone College from 1861 to 1864.

make one. But recently they had a surfeit of speeches, so much so that the very hearing of the word made one sick. This saturnalia of speeches began with a Scotchman in the Town Hall on St. Andrew's Day and was followed by the speeches from the Congress platform. Hence, he would rather not inflict a speech on them, but compare notes with them about the College, its distinguished Professors, the course of study, and the outdoor exercises as they were forty years ago. Sir Pherozeshah then proceeded to describe the College premises at Baboola Tank and likened the sheet of water of the Tank to some other sung in song and verse by Scott or by any of the Lake Poets. He spoke of Sir Alexander Grant, who treated the students under him as gentlemen, and whose students behaved to him likewise. He touched humourously on his Professor of Logic, who thought that two large volumes of Sir William Hamilton* were too much for the understanding of the students. He said he felt hurt at the statements that college cricket was started in days later than his. But the reverse was the case. Sir Alexander Grant evinced a deep personal interest in the game and he himself led the students out into the field for that purpose. Thanking his audience once more and asking the students always to cherish and love their College, Sir Pherozeshah concluded his remarks amidst loud applause.

BOMBAY LEGISLATIVE COUNCIL.

A BILL TO ESTABLISH A COURT OF WARDS IN THE BOMBAY PRESIDENCY.

On the second reading of "A Bill to Establish a Court of Wards in the Bombay Presidency" moved in the Bombay Legislative Council by Sir James Monteath on 18th March 1905, the Hon. Sir P. M. Mehta made the following speech†: —

Your Excellency,—I am not quite sure whether I have yet recovered from the effects of the lecture, or advice, of my honourable friend Dr. Bhandarkar, which he has just administered to us. He told us in very severe terms that if we oppose any portion of this Bill or any of the provisions of this Bill we are very likely influenced by an inveterate habit of having no confidence in executive officers. Now, Your Excellency, I deliberately join issue with my honourable friend, and I ask the Council to believe that in any opposition which I have to offer to some of the provisions of this Bill, I am not actuated by a wicked desire of opposing executive officers. I believe these officers like all other people have excellent merits, but they have also the demerits and deficiencies of the circumstances in which they are placed, and it

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* Author of "Discussions on Philosophy" and of lectures on metaphysics and logic, published by Professors Mansel and Veitch.

† In the report of the "Proceedings of the Council of the Governor of Bombay" wherein this speech appears there is a footnote, *viz.*, that The Hon. Sir P. M. Mehta did not revise his speeches.

would not be wise for legislation not to take notice of the human frailties which belong to them as to all classes of people. My honourable friend Mr. Parekh was concerned with the principles which Dr. Bhandarkar laid down with regard to the way in which this world ought to be managed. I do not think my honourable friend Mr. Parekh need have very serious apprehensions as to those principles. I am not surprised however that my honourable friend, though really born in this age, may be said to belong to a very old generation. All his distinguished studies are entirely directed to the times that have gone by, and there is no wonder that the principles which he enunciates are derived from the studies of antiquities. So that it is to my mind not a very surprising thing that he should want to go back to those days when everything could be done by legislation and people could be made wise by Acts of Parliament or of the Indian Legislatures. I suppose it is quite natural for Professor Bhandarkar to regard us all as hopeless. I do not think he regards us all as moral children even, but as immoral children. It is natural for Dr. Bhandarkar, who was so distinguished a Professor in his time, to regard us all as children who should obey their instructors. But out of the class-room, we have to deal with different circumstances and hard and practical principles of real life, and I do not think it would do to allow the principles of the class-room to prevail against the hard practical principles of this life.

I should not have been surprised if my honourable friend, the mover of the Bill, had gone into some of the principles of the Bill in his speech this afternoon. But he leaves us to move amendments without giving us any idea of his arguments against them. If he had referred to these, we should have been able to present our amendments in a much more effective manner. I was surprised that he was surprised that some of the opinions expressed before his face were different from those put down in writing through those wicked people the vakils. I am not surprised that people before him should express themselves differently from the views they put in writing. I am sure my honourable friend Sir James Monteath does not do justice, in his modesty, to his awe-inspiring presence. I can quite understand that the gentleman who came to have a talk with him about the Bill was very anxious to show him that he was lost in admiration of the wisdom with which the Bill has been framed. And I am sure no one is more cognisant that the native courtesy of the Indian gentleman, whatever his own opinions on the subject might be, would be to place them before the gentleman to whom he is talking in such a way that he would give him to understand his own views were perfectly in consonance with those of the person to whom he was talking. It seems to me it is no wonder Sir James Monteath drew the inferences he did from the conversation, but it is hardly safe to consider that these inferences would be correctly drawn. Now, Your Excellency, I may be pardoned for saying that this is an instance of the over-legislation into which our Indian Legislative Councils are apt to be driven. I very carefully read and re-read the speech of my honourable friend in introducing the Bill into the Council, but I could not help seeing, as a man of high culture could not help seeing, that there was no immediate necessity for the passing of the Bill so far as this Presidency is concerned. It is no doubt true such Bills exist in the other

Presidencies. They existed even before the beginning of the last century. The reason was however that the circumstances of those Presidencies were so different that it was thought, in those early days, that there was necessity for the provisions embodied subsequently in the Court of Wards Acts. I have never understood why these Acts are called "Court" of Wards Acts. So far as I am aware, the word "Court," except as regards the Ancient Court of Directors, is never employed but for a tribunal of judicial character. And why in the year of grace 1905 we should be sitting to pass an Act which is to be called a Court of Wards Act and which has not the remotest taint or tincture of anything judicial is a thing which I fail to understand. Your Excellency will remember that what is called a Court of Wards is an executive officer of Government, either a Commissioner or other officer or two or three officers appointed for this purpose. They are what would be called in Bombay settlement officers for the management of estates. We are now considering however what is called a Court of Wards Bill. This is a case of over-legislation. It seems to me that no case has been made out for this Bill, though I bear in mind the elaborate remarks of my honourable friend Sir James Monteath in introducing the Bill. The class of people for whom the Acts were passed in other Presidencies do not exist to the same extent in this Presidency, as in other Presidencies. So far as they do exist legislation deals with them, though I think perhaps that legislation may be amended to include them in a more perfect manner. But a Bill which strives to include not only these classes but classes of an imaginary character, so far as I can see after going through the Bill, I fail to perceive who are the additional persons for whom the provisions are necessary. It seems to me we are passing a separate Act which might speculatively go forward for the purpose of doing some good to some people of whom no idea is given to us. I do not know if my honourable friend Sir James Monteath is aware that the Court of Wards Regulations and Acts were simply for the purpose of protection of Government revenue. I was reading the other day a debate of the Legislative Council of the North-West Provinces which took place on a Bill in 1899 when His Honour the President pointed this out. He said—"The primary object of the Court of Wards legislation was the protection of Government revenue. The earliest regulations which were introduced and which have given the Board of Revenue and Government the powers exercised by a Court of Wards were introduced with the object of protecting the Government revenue. Since then the further idea of protecting the interests of minors and disqualified proprietors comes in. But the protection of revenue still remains at the foundation of the Court of Wards legislation." Later, as he points out, benevolence gradually insinuated itself into the legislation. I quite admit the motive of benevolence has slowly so permeated this legislation with regard to Courts of Wards that now it would be called the primary object; and it seems to me to be by far the primary object for which it is introduced. But, as it is with regard to all measures introduced for motives of benevolence, the Bill merely provides machinery which is more likely to be abused than to be used in so far as the provisions of the character to which I have referred are concerned. So far as minors and people of unsound mind are concerned I do not

say it would not be a very useful provision to place them in the hands of Courts of Wards instead of the committees to which they are at present submitted. Though I think it would be unwise to take away the charge of a minor from persons about him who may be considered in the opinion of the Court of Wards capable of conducting his affairs, and place him under the, if I may say so, unsympathetic Court of Wards, and if Dr. Bhandarkar will forgive me for saying so, an unsympathetic executive officer who is appointed guardian. It may be that there are persons surrounding a minor quite capable and sympathetic and fit for the purpose. It would be very distressing if these duties should be taken from them and handed over to a hard body like the Court of Wards. It seems to me we are over-legislating in this matter when we include in the definition of landholder as has been done in clause (*c*) of section 2 "'landholder' shall mean (*i*) in the case of minors and persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs, a holder as defined in the Bombay Land-Revenue Code, 1879; and (*ii*) in all other cases, a *zemindar, jágirdár, saranjámdár, inámdár, tálukdar, mulek* and a *khot* and any person not hereinbefore specified who is interested in land and belongs to a class of which the Governor in Council has declared the members to be landholders for the purposes of this Act." Now, my Lord, I should like to know who are these persons. Will my honourable friend give me some indication of who are the class of persons for whom these words are intended? I cannot make out any person not before specified "who is interested in land and belongs to a class of which the Governor in Council has declared the members to be landholders for the purposes of this Act." I went through my honourable friend's speech in introducing the Bill over and over again, for the purpose of finding out who these people could be. I failed to find anything, and that is why I am rather sorry he did not take the opportunity just now of telling us for whom this Bill is intended.

My Lord, I may be pardoned for saying that legislation is not intended for speculative objects; it is intended for certain persons and objects. But when, because you imagine there may be some persons who in future should be brought within the pale of certain provisions, you consider that therefore you are to proceed to legislate for all these speculative cases, it seems to me that the machinery of legislation is applied for a purpose which cannot be called either practical or wise.

Then, coming to the main points of the provisions of this Bill, I come to the third section which, I think the Council ought to remember clearly, is for the purpose of showing what is a Court of Wards. As I pointed out, it is not a judicial Court at all. Section 3 of the Bill says that "subject to the provisions of section 12 the Commissioner shall be the Court of Wards for the limits of his Division provided that the Governor in Council may, if he thinks fit..... ... appoint a special officer to be the Court of Wards for a division, in lieu of the Commissioner....." So that a Court of Wards, it is declared, is only one of these officers, or only one or two joined together. Then Section 4 shows how a Court of Wards may be set in motion. "The

Court of Wards may, with the previous sanction of the Governor in Council, assume the superintendence of the property of any landholder holding land within the local limits of its jurisdiction who is disqualified to manage his own property." There I should like to ask the honourable member in charge of the Bill how clause (2) of section 1 will act. Clause (2) of section 1 says the Act " shall extend to the whole of the Bombay Presidency, except the city of Bombay and Aden." Supposing a person holds property in the City of Bombay or Aden and in other parts of the Presidency, would he be subject, though residing in the City of Bombay, to this Act as regards his property in other parts of the Presidency? I think there are many points in regard to these sections that ought to be settled before we can say what is the exact application of the Act. Clause 4 says " the Court of Wards may, with the previous sanction of the Governor in Council, assume the superintendence of the property of any landholder holding land within the local limits of its jurisdiction who is disqualified to manage his own property." I acknowledge there is a clause " provided that in the case of a landholder disqualified under clause (*b*) or (*c*) of sub-section (1) of section 5 such assumption shall be sanctioned only where the Governor in Council is of opinion that it is expedient in the public interests to preserve the property of such landholder for the benefit of his family, and that the said property is of such value that economical management by the Court of Wards is practicable." Now I hold, and I really mean to speak with, all respect of the powers vested in the Governor in Council; I say I have always held the highest respect for the gentlemen forming the Council of His Excellency the Governor. But it seems to me it is doing them an injustice to require them to exercise a discretion and sanction while leaving them very little indication of how they are to exercise them. It is very easy to say they are only to be exercised if it is " expedient in the public interests " to exercise them. If I may say so without any want of respect to any member of Council, the time may come when members of Council will think certain things are necessary for the public interest. Supposing their successors should apply their minds in a different way, equally conscientious, and say " but there is nothing in the public interest here! " I have had some experience of these things and I find the views of members of Council very often vary very much and very widely. I think to require them to form opinions on matters that are indicated in such general words is to do them an injustice. After having laid it down in that way, we come to the principal clause, to portions of which I have very strong objections. Section 5 says "the following landholder shall, for the purposes of section 4, be deemed to be disqualified to manage their own property." Minors, who are mentioned first, we will leave; their interests are already provided for by the Guardians and Wards Act. But while I am making this observation I should like to point out one mistake Dr. Bhandarkar made. He makes a point in favour of the Court of Wards Act by a reference to a case in which he was concerned under the Guardians and Wards Act that was expeditiously dealt with. Now would he be surprised to hear that the inquiry through which he passed was of a judicial character and not of a character described in this Act? His experience of the

Guardians and Wards Act was certainly fortunate in that the inquiry in that case did not take a long time. But he seems to have forgotten that it was entirely of a judicial character. In regard to the other, section 5, disqualification is applied to females and other persons "declared by the District Court, on the application of the Collector and after such inquiry as it thinks necessary, to be unfitted to manage their own property." It seems very benevolent and nice that we should issue regulations for the direction of interests of families! How will this work, Sir? We recognise there are two minds brought to bear upon it, the Collector's and that of the Judge of the District Court. But surely, with some little experience of this country, we may also take to ourselves that the Collector may be moved in these matters by persons who are not quite disinterested, as he and the District Judge are certain to be. People who have some grudge against the family or the female will set to work; will apply to the Collector, who will be obliged to make his inquiries by his subordinate officers or probably by the police under him as District Magistrate, and what will be the state of a family's claims under these circumstances with all these inquiries carried on into their private affairs? Because an inquiry would be worth nothing unless it were carried into the private affairs of the estate in which the family is interested. To me the prospect of such an inquiry is one I cannot look on as satisfactory. There might be cases in which females wholly incapable of managing their affairs should be placed under the beneficial protection of the Court of Wards, but for one case of that sort it seems to me many would be open to annoyance and persecution. If the world could be made wise by legislation, nothing would be easier than to lay down wise principles. But the hard facts of this world do not allow it. We have to see how regulations laid down with the best intentions work in practice. Then, leaving females, I come to what to my mind is the most extraordinary provision of the Bill introduced by my honourable friend, Sir James Monteath. I could see in his former speech that his high culture has made him aware of the inconveniences and difficulties of what may be termed grandmotherly legislation. And if my honourable friend will pardon me for saying so, I think it must have stood him in very good stead on this occasion to draw on his experience as a Revenue Officer, which brings about views which are very different from those held by ordinary people. It could be seen from his speech that no one was more alive to the effects of grandmotherly legislation. But I would like to call it, if I may coin an English word, step-fatherly legislation. It is somewhat in the way, with which we are made acquainted by Dickens in "David Copperfield," in which the step-father looked after the interests of his step-son. After all a step-father is a step-father and he can only see things in a particular light, and he can only look in a certain way on the affairs of the minor whose interests he is supposed to be looking after. "Incapable of managing, or unfitted to manage, their own property owing to (*i*) any physical or mental defect or infirmity; or (*ii*) vicious, intemperate or wasteful habits, or such other habits as cause or are likely to cause, injury to their property or to the well-being of their inferior holders." My Lord, what a task for the Collector and the District Court! I really appeal to my honourable friend. Suppose he was sitting as a Court for deciding cases brought before him under this Section! Would

not different people take different views of vicious habits, intemperate habits or wasteful habits? I do not know what "wasteful" means. I know my honourable friend makes a great deal of thrift. If a man calls in a tom-tom to celebrate a marriage half the night, he calls that wasteful. I do not call it wasteful. I think a man must have a little enjoyment sometimes. But this says not only such cases as cause injury but such as are likely to cause injury. I remember that in the course of a budget speech I made certain reflections upon the *ábkári* policy of Government. There was a case of a liquor-shop being opened at Matheran. At that time the Finance Member was Sir Evan James, and when I was inveighing against the Government allowing such a liquor-shop to be introduced in a place like Matheran, he said "Why not let the poor man have his glass of beer?" I was taken aback; but that shows how people may vary in opinion. I ask, I appeal to, my honourable friend, how would he sit in judgment for the purposes of deciding what may be "vicious, intemperate or wasteful habits"? I do not want to run down executive officers in the slightest degree. I have the highest opinion of them. But is it fair to ask even executive officers, incapable, as Dr. Bhandarkar thinks them, of going wrong,—would you expect even them or any other officers to say what are "vicious, intemperate or wasteful habits," causing or likely to cause injury to, their property or to the well-being of their inferior holders"? I am aware in other Court of Wards Acts in other Presidencies there are similar provisions. But I think, and I think Sir James Monteath would have said, that Bombay is not to be guided by other Presidencies in matters of this character. I should have thought that we in Bombay with our culture would have recognised that there are certain things beyond the power of human judgment. I think on one occasion my honourable friend did disagree with the legislation of another Province and say he would not dream of introducing it into Bombay. I now ask him not to follow the legislation of those effete Provinces of Madras and the North by putting upon us such legislation as this is; requiring District Courts to find out persons of "vicious, intemperate or wasteful habits, or such other habits as cause, or are likely to cause injury to their property or to the well-being of their inferior holders." I know my honourable friend said in his speech that we are all aware of instances for which this Act would be useful. Would he kindly mention to us some of those instances? We know there are certain people minors and those of unsound mind, who are incapable of managing their affairs. But would my honourable friend point out any others? One Collector might run in a certain person before a Court of Wards, because he happened to be lame or blind or something of that kind, while another Collector would pooh-pooh the idea. It seems to me these provisions should not have a place on a statute-book of a practical character. I know my honourable friend recognises that these grounds of disqualification are very open to argument and he said he was very sorry indeed to interfere with cases of that character. His words were—"In the Punjab, the United Provinces, and Central Provinces Acts conviction of a non-bailable offence is one of the causes of disqualification, but there appear to be strong objections to taking such a fact into consideration for the purpose. I admit, however, that the

assumption of management on similar grounds requires to be exercised with great caution, and in particular, that there should be no unnecessary prying into private affairs or encouragement given to applications inspired by the enmity of relations." But he satisfies his mind in this way:—"In all the Acts, except that for Bengal, the power of declaring incapacity on such grounds is left to the local Government. In Bengal the adjudgment of incapacity from physical defects or infirmities is made by a competent Civil Court. We have adopted a plan of determination which will, I hope, be accepted by the Council as providing the greatest security against abuses." Gentlemen, I should like members of this Council to say what is the security, "the greatest security" which he has provided. "We propose that the declaration should be made by the District Court on the application of the Collector," —that is the remedy which he says would obviate the hardship of the cases to which he has referred. "The Collector will, in the first instance, have to be satisfied that there are adequate reasons for interference, and he will then have to covince the District Court by evidence. It seems scarcely possible that under such a system there can be any unnecessary or arbitrary assumption of management." Now take the Bill as it stands to see how my learned friend carries out his promise in that respect. It is true he says the disqualification will have to be decided by the District Courts. But is he not playing upon words when he says "District Court"? What is the principal notion carried to our minds?—That the Court will proceed in the way in which the procedure of a judicial Court must be conducted to make it a Court—that the Court will carry on its proceedings in the way of a regular judicial proceeding. But what is actually done? He leaves it to the District Court to hold "such inquiry as it thinks necessary." Why, as my learned friend is cognisant of the danger of these provisions, does he not leave it to a District Court, a judicial tribunal, to make an inquiry and pronounce a verdict? I think my honourable friend will reconsider this provision, and if it is to be retained I do hope I may appeal to Your Lordship and the members of this Council to say that these matters shall not be left to any but a regular and judicial tribunal. If these matters are important, and they are very important, why should they not be carried out with all the safeguards connected with a regular judicial proceeding? I therefore appeal to Your Lordship and the members of this Council to say, if these qualifying clauses are to be retained and people are to be dragged into Courts of Wards for defects, mental and physical, and for "vicious, intemperate or wasteful habits, or such other habits as cause or are likely to cause, injury to their property or to the well-being of their inferior holders," at least to provide this remedy, the surest remedy against hasty conclusions, that the inquiry shall be carried out before the District Court in a judicial manner, that everyone concerned in it shall have an opportunity of placing before the Court everything calculated to help it to come to a proper decision. Because, what a distressing matter it would be if a person were dragged before a Court and pronounced to be a person of vicious character before the world, if the proper precautions were not taken in the inquiry against him. Can, my Lord, anybody conceive a more important matter, requiring to be

investigated in a judicial manner, when a man may be stamped in the face of the whole world and before his brother *tálukdárs* as a man coming under these clauses? I do appeal to my honourable friend, if he insist on retaining these clauses, to "provide the greatest security"—his own words—"against these abuses." I think the delays of Courts of Law are very much exaggerated. If they are protracted, it is a necessary evil which has to be borne because of the benefits derived from a full and costly adjudication. Therefore I say if you are to have the greatest security against abuses, with regard to which my learned friend is fully awake, at least provide that there shall be full inquiry in which everybody concerned shall be represented, and every piece of evidence shall be brought forward and a judicial opinion formed. But I say even that is not sufficient. I say there should also be a right of appeal to the High Court of the land. I say it is absolutely necessary that all the guarantees, against a wrong decision, which the legislature has provided, should be adhered to in a matter of this character. And I say no case has been made out that the inquiry in these cases should not be by a full and judicial Court, and no case has been made out why an appeal should not be made to the High Court. .... I would have made a few remarks, but I will now reserve them, with regard to sections 35 and 40, the deprivation of the power of making a will in section 38, and the power taken away from the successor of a disqualified man of dealing with the estate which he, but for the unhappy accident of his predecessor, of his father or whoever turned out to be of "vicious, intemperate or wasteful habits," might have possessed. Is this a proper matter to be included in a Bill of this character? Are you not legislating upon very different principles when you introduce this clause into the Act? I do not want to go into the case which might be made with regard to the alienation of life estates. As it is a matter depending upon principles of a far more extensive character than can be dealt with in this Bill, would it not be right that such a matter should be dealt with on its own merits? A man brings himself under this Act, and his successor is placed in the same position although he has not brought himself within any of the disqualifying provisions. And I would point out how very considerable mischief might result. I am sure my honourable friend Sir James Monteath and my honourable friend Mr. Edgerley must be acquainted with cases in which a father takes a bitter dislike to his son or to his successor who is to come from some other branch of the family, and will do all in his power to ruin his interests. He may act in such a way that he can afterwards apply to the Court of Wards and place himself under the Court of Wards Act and take his revenge upon his heir who might have to follow him. It seems to me the greater number of cases in which advantage will be taken of this provision will be cases of this character, You make a way ready for a man in that position to take his revenge. Is that the way in which a legislature should deal with a matter of this importance? It may be that the legislature should hold that estates of a certain character should be only held for life, but that is a matter which should be discussed on its own merits and is not a matter which should be thrust into a Bill of this character. Therefore I appeal to my honourable friend to omit it from this Bill, and if he thinks it is a change that is

required let it be advocated on its own merits and not introduced in a haphazard manner in a Court of Wards Bill. My Lord, the other observations I have to make I will make in moving the amendments of which I have given notice.

This Bill having been read a second time, the Council proceeded to consider it in detail. Several amendments were moved by Sir Pherozeshah Mehta, some of which were agreed to by Sir James Monteath whilst others were lost, and finally the Bill was read a third time and passed on 20th March 1905.

BOMBAY MUNICIPAL CORPORATION.

SIR PHEROZESHAH'S PRESIDENTSHIP, 1905-1906.

At the Meeting of the Bombay Municipal Corporation held on 7th April 1905, Sir Bhalchandra Krishna proposed that the Hon. Sir Pherozeshah be appointed President of the Corporation for the current year. The Proposition having been seconded and supported, was carried unanimously and with prolonged acclamation.

Sir Pherozeshah after taking the Chair spoke as follows.

Gentlemen,—I am sure you will allow me to say that I have been scarcely able to recognise myself for the last few minutes in the extremely ideal picture which has been placed before you as the person whom you are going to elect as your President. However, I am perfectly sure of one thing, and it is that I should be setting a very bad example to you for the rest of the year, if I were to make a lengthy speech in reply to the exceedingly kind observations which have fallen from the gentlemen who have proposed and supported my nomination. My friend, Sir Bhalchandra, was quite right when he said, and I confess it, that it was with considerable hesitation, that I brought myself to undertake the task which you have thought fit to impose upon me. I can assure the Corporation that I am extremely touched and am very greatly indebted to it for the friendliness of the feeling, the kindly appreciation and the generous confidence which have always been extended to me by the members of the Corporation, past and present, and which, I believe, have led you to propose me as the person to preside over your deliberations during the ensuing year. I trust and pray that you will extend to me the same friendly feeling, appreciation and confidence in trying to discharge the duties which belong to this eminent and illustrious post; and working and co-operating in that spirit I am perfectly sure, you will maintain the high and honourable tradition that has always belonged to this Chair and to this Corporation. I will only say one word more and it is that every member has a right to expect at my hands the utmost and entire fairness and courtesy in the conduct of the Chair, and I hope that when I retire from this office, you will be able to say that I have used my best endeavours to conduct my Presidentship with entire judiciousness and in a manner worthy of the great body to which we all belong.

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At the Meeting of the Bombay Corporation held on 5th April 1906, the Hon. Mr. G. O. W. Dunn moved that the best thanks of the Corporation be conveyed to the Hon. Sir

Pherozeshah, the retiring President, for the very able services rendered by him to the Corporation during his term of office. The Proposition being duly seconded and supported, Sir Pherozeshah made the following reply:—

Gentlemen,—I do not think that I am wanting in the power to make a speech on this occasion but this is an exception when I do not like to speak much of myself. But from that I hope you will not think that I am less grateful to you for the kind way in which you have expressed your appreciation of the services I have been rendering to the Corporation. I am stirred by the thanks accorded to me and by the friendliness and regard shown to me by the Corporation during the time that I have been connected with this body for the last thirty-four years. I claim no credit and no member of the Corporation can claim any credit for the work he does in the cause of the city. We all love the city of Bombay and any service that we can do for it must necessarily be a pleasure to us. I do all municipal work not solely because it is thrust on me but I have taken such work upon myself as a labour of love. I will not withhold saying that if I have met with any success in the course of the last year in the discharge of my duties, that success is in no small measure due to your co-operation. My task was rendered very easy by the assistance of Mr. Wadia, the Municipal Secretary, who has reduced the work of his office to a system of perfect organisation. I would also like to say a word of acknowledgment of the assistance and help of the gentleman who acted for Mr. Wadia during his short leave of absence,—I mean Mr. Masani. I have been greatly helped in my work by the exceedingly able manner in which he prepared everything for the Corporation meetings. My thanks are also due to Mr. Sheppard, the Municipal Commissioner, from whom I have received all assistance. No President can do his work successfully unless he is helped by the gentleman who always sits on his right hand and that is the Municipal Commissioner and I was very much struck by the broad and liberal way in which Mr. Sheppard looked at every question which came before him. I have also a word to say for the Chairman of the Standing Committee. The Corporation could cope very well with the work before them only by the way in which the Chairman placed the work of the Committee before us. Dr. Dadachanjee has placed the Municipal Budget before the Corporation in a most efficient and able manner which has greatly facilitated our work. In short, gentlemen, without your co-operation one could not have met with any success.

Now leaving those matters alone, I have one more observation to make. The joint work of our joint co-operation has shown to the public of this city as well as to the public of India what a business-like body the Bombay Municipal Corporation is. It is sometimes said that we talk a great deal at the meetings. But my answer to that criticism is that to a certain extent it is necessary that we should talk and discuss all matters before us. We cannot arrive at the truth of a thing without much discussing it might be with some confusion of thought or language. It is impossible to arrive at the right conclusion in matters of the greatest importance until we have a certain amount of talk over them—even irrelevant or confused. But

we are by no means a talking body. From the reports of the proceedings in the public papers it might perhaps appear that the Corporation are amusing themselves by talking nonsense. The papers give a brief report and all the solid work the Corporation does occupy a very short space, although the nonsense is reported at a greater length. From this some draw the inference that the Corporation is doing practically nothing but that deduction is absolutely vague.

(Here the speaker quoted figures in respect of items on the agenda of the past five years and showed how expeditiously they had disposed of important matters during their comparatively few meetings.)

Continuing, Sir Pherozeshah said :—After a study of these figures no citizen can say that to be a member of the Corporation is equal to losing one's time at its meetings. The figures show that though sometimes we talk a little irrelevant, a little too much or a little nonsense, yet on the whole you will find that the Corporation has done a very great amount of work. Moreover that work has been of an eminently practical character and it had been carried out in as expeditious and as business-like a manner as any Corporation of 72 members could possibly have done it. We had 49 Committee meetings in the past year when we disposed of important questions connected with drainage, water-works and other varied subjects including the health of the city and although there had been more items for discussion than formerly yet with all that the business had been got through in very few meetings each month. I therefore think that the Corporation can rightly claim to be a thoroughly practical and business-like body and the members can take credit to themselves for the way in which they discharge their public duties.

BOMBAY MUNICIPAL CORPORATION.

UNPARLIAMENTARY AND OFFENSIVE EXPRESSIONS.

At the Meeting of the Bombay Municipal Corporation held on 20th April 1905, the Hon. Sir. Pherozeshah Mehta presiding, Dr. N. H. E. Sukhia moved that the attention of the Members of the Corporation who may desire to know "how to succeed" as Municipal Councillors be invited to certain quotations from the work of an eminent author. The President, in ruling the motion out of order, made the following observation :—

Freedom of expression and debate is a valuable privilege which I shall always strictly support. At the same time there are restraints imposed by well-understood rules which are founded upon the good feeling and courtesy of members for the maintenance of peace and suppression of disorder. One of these rules is that no member ought to use expressions which are offensive or insulting to members of the House individually or collectively or are disrespectful to the House. I think the tenor of the motion is offensive and disrespectful, and I therefore rule it out of order.

I may also add that the function of training people to be successful Councillors is not included among those imposed on or vested in the Corporation.

INDIAN REPRESENTATIVES IN ENGLAND.

INDIAN QUESTIONS BEFORE BRITISH PARLIAMENT.

A Public Meeting, under the auspices of the Bombay Presidency Association, was held in Bombay on 3rd May 1905 to give effect to a Resolution passed by the Indian National Congress to send representatives from India to England, with a view to enlighten the British public on Indian questions.

The Hon. Sir Pherozeshah, who presided, in opening the proceedings, reminded those present of a similar meeting * held in Bombay twenty years ago for sending delegates to England, and after referring to the views he had then expressed, he said that he still adhered to his opinion that the Indians could never hope for anything until Indian questions were thoroughly sifted and examined from every point of view before the British public and the British Parliament, and subjected to the clash of party warfare. Recently they had received contrary advice, but so far as it proceeded from the Anglo-Indians and Anglo-Indian bureaucracy, they had no reason to complain. Such an advice from that quarter was natural; but he was sorry to say that there were certain people among them—for they had also their halt, their lame and their blind—who joined in that advice. With regard to them he would say that such advice could not come from them naturally. They expected but little from any party in England; but they could expect nothing if Indian questions were not made party questions.

Sir Pherozeshah then referred to the selection of the Hon. Mr. Gokhale, one of the Bombay representatives as the best they could make,—a representative than whom it would be difficult to find a better qualified man. Mr. Gokhale had proved himself a man of great ability and possessed a thorough grasp of the various Indian questions. He had an eloquence which was really earnest, passionate and effective and his cordial manners and his praiseworthy character stamped him as a most high-minded gentleman. (Applause.)

BOMBAY LEGISLATIVE COUNCIL.

THE BOMBAY BUDGET OF 1905-1906.

At the Meeting of the Bombay Legislative Council held at Poona on 8th July 1905, Sir James Monteath introduced the Financial Statement of the Government of Bombay for the year 1905-1906. Sir Pherozeshah Mehta made the following speech at the adjourned Meeting of the Council on 10th July 1905.

Mr. President,—I regret, and I am sure other members join with me in regretting, that His Excellency† is unable to attend owing to indisposition and I hope and trust he may ever be in good health and able to attend to his responsible duties. I

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* This meeting was held in Bombay on 29th September 1885 when Sir (then Mr) N. G. Chandavarkar was appointed one of the Indian Delegates to proceed to England to plead the cause of India before the British public.

† Lord Lamington.

confess I rise with some diffidence to offer a few observations on the Financial Statement. It is a somewhat complicated budget, a budget which has been laid down on different lines from those which prevailed in former years. I am afraid that we non-official members are not such masters of Provincial Finance as Sir James Monteath who has all the figures and materials at his finger-ends and we cannot understand the figures in such a remarkable manner as he does. This is a year in which to make a survey of the financial arrangements which the Government of India have made with this Local Government. We have now entered upon the third stage of the scheme inaugurated in 1870 by Lord Mayo, which has been termed the Decentralisation Scheme. Before 1870 strained relations existed between the Imperial and Local Governments chiefly in regard to the apportionment of the local revenues by the Imperial Government. Lord Mayo introduced a system of decentralisation under which certain heads of revenue were made over to Local Governments which were besides given a large amount of independence. This system continued till 1877 when it was thought that the time had come for extending and enlarging it and of removing certain defects which had been disclosed by experience every five years, the primary object of such revision having been to secure to the Central Government what might be considered their fair proportion in the growth of assigned revenues. In the earlier revisions considerable reductions were made in the assignments, but on the occasion of the one in 1897 the aggregate change was insignificant, reductions in certain provinces having been approximately balanced by increases allowed in others. This was the opinion expressed by Sir Edward Law* in March 1904, and he continued : "It cannot be said that the system of quinquennial revisions proved satisfactory for with such a short period of settlement it inevitably occurred that in the first year of the term the Local Government was necessarily feeling its way under new conditions and cautious about expenditure, whilst in the last year, if, as was generally the case, balances were large, there was a natural tendency to extravagance, lest the terms of a new settlement might reduce resources for expenditure." In 1877 the Financial Statement was in great disorder. Matters however went on with the help of the Imperial Government and in 1882 the Government of India adopted the wise policy of giving large grants and placing large revenues at the disposal of the Bombay Government. The revenues were so large that after giving the Government of India assistance to the extent of 20 lacs of rupees they were able to build up a surplus of 52 lacs of rupees, though according to their contract they were bound to keep their surplus within 20 lacs. This went on till 1887 when the Bombay Government was required to help the Government of India for financial exigencies of various kinds. The Presidency was prosperous enough to pay another large grant at the end of the contract period. This brings us to the year 1892. It was unfortunate that the Bombay Government never had the courage and enterprise to spend its surplus in any useful scheme for the welfare of the Presidency, for the result was that at the end of the five years' contract all the surpluses were carried away by the Government of India.

* The Finance Member of the Imperial Council.

Then came the year 1897 when a big famine occurred side by side with an outbreak of plague. I should like to point out how the Government of India treated the Presidency at the time. In 1881 when the system of the provincial contract was considered and settled it was clearly pointed out by the Government of India themselves that, in times of famine, Provincial Governments would be called upon to contribute to the Imperial Exchequer in certain ways. Now what did the Government of India do in 1897 when plague and famine devastated the Bombay Presidency? They gave enough for purposes of famine charges, but in other respects starved the administration. Under these circumstances it was not to be wondered that the system of decentralisation of Provincial Finance, inaugurated by Lord Mayo completely broke up. The system of Provincial Contracts worked in such a manner that the Government of India themselves thought that the system could no longer be continued. I remember that in introducing the Financial Statement in the Viceroy's Council last year, Sir Edward Law pointed out that the time had come when the system of Provincial Contracts would have to be placed on a different footing. I hope with the introduction of the revised method of making assignments the Local Government will work up organised schemes for the purpose of spending the grants and will not repeat the policy which has been the bane of this Presidency for the last 20 years. In the Punjab and Bombay the settlement of 1897 was a failure mainly in consequence of the effects of famine and plague from which both of them suffered so severely, and the financial report for East-India for 1905-1906 stated that "for the last few years their finances have been in constant deficit, necessitating large annual grants from Imperial revenues to preserve nominal equilibrium." To put an end to this state of things it has been necessary to assign to the Local Governments a considerably larger share of the revenues of their respective Provinces than they received in 1897. Their assignments have therefore been increased by Rs. 36,92,000 per annum in the case of Bombay and by Rs. 16,51,000 per annum in the case of the Punjab. Moreover the Provincial shares, in the case of the heads of revenue and expenditure divided between the Imperial and the Provincial, have been so adjusted that the average Provincial annual increment of revenue will be raised from Rs. 6,30,000 to Rs. 8,55,000 in the former Province and from Rs. 3,08,000 to Rs. 6,78,000 in the latter. Initial grants of 50 lacs in each case, including special grants for plague charges, have also been allotted to start the Provinces with a liberal sum in hand at the outset of the new settlements. I regret that His Excellency has not been able to preside on this occasion, for I think, (and I think I do not reveal any secret when I say it,) that the liberal settlement which has been made in regard to the Province of Bombay is largely due to the personal exertions of His Excellency the Governor, who was of course supported by his able colleague in the Council, I mean Sir James Monteath. The Financial Statement now before the Council shows that Rs. 17 lacs have been at present set aside for famine charges, but now that the conditions are normal I do not know whether Government will give an assurance to the Council as to whether this large sum or at any rate a large portion of it is to be used for some other purposes.

Besides this the Government of India have made special grants. Out of these the Bombay Presidency has got Rs. 5 lacs on account of Police charges, while the Madras and Bengal Presidencies each get Rs. 10 lacs and the United Provinces Rs. 7½ lacs. I think, considering the great necessity of reorganising the Police force, the grant of Rs. 5 lacs made to this Presidency is quite inadequate. Again out of a grant of Rs. 55 lacs for primary education Bengal has got Rs. 10 lacs, Madras Rs. 6 lacs and Bombay Rs. 7 lacs, and I think in this matter also the Bombay Presidency has not got its due.

I am glad to see that a grant-in-aid has been given to the Local Boards in India. The Indian National Congress dwelt over and over again on the absolute necessity of Imperial grants-in-aid to the District and Local Boards and I am glad to see that the Imperial Government has made up its mind to make a further grant for that purpose, but I hope they will extend it to Municipalities also. The burden on Municipalities is far larger than that on the Local Boards and I sincerely trust the time will come when the Government will recognise the necessity of making a grant to the Municipal Boards also. For that reason I am glad to see in the Financial Statement before us that you, Sir, have expressed the hope that if the finances of the Government permit they will see their way to help as far as possible these crippled Municipalities.

That is a short account of the existing financial distribution. One more remark I have to make on the subject and that is that the Government of India and the Local Government have laid stress on the fact that the Presidency is very fortunate in getting a better revision in respect to the two heads of land-revenue and excise. As to land-revenue I am convinced and it can scarcely be denied that it has increased even in the most unfavourable conditions and that is not a state of affairs on which I can congratulate the Council. In this connection I wish to make an observation with regard to a certain rumour. It has been said that there are Revenue officers who think that the resolution, which has been recently issued by the Government of India as regards automatic remissions and suspensions of revenue in times of scarcity, do not take into account the fact that the assessment in this Province has been based on calculations of both good and bad years. I submit that this is tantamount to frustrating the object which the Government of India had in view when deciding upon this system of automatic remissions and suspensions. As to excise I know there is a divergence of opinion on this point between the public and the Government which is not at all likely to be easily overcome. The Government think that by increasing the duty on liquor they keep down drunkenness while the public thinks that the consumption of liquor has been steadily increasing. The Government will find it exceedingly difficult to persuade people to see the matter in their way. The interest of the contractors lies in promoting an increase in consumption whatever they may say and it is very hard to imagine that the general complaint is without any foundation. I am afraid this is a difference of opinion in respect to which both sides are ready and agreed to carry on their differences.

Then with regard to the grant of Rs. 65,000 to the Bombay University I wish to point out that if the University require a grant it is forthcoming. I do not know if Mr. Giles* is aware that there was at one time an annual grant of Rs. 15,000. This was gradually reduced to Rs. 5,000 and finally taken away altogether. This was done for various reasons, the principal one being that the University ought to be self-supporting. Now, such is fate, the Government has come forward again and has offered this grant. I do not know what it is intended for. It has been said it is intended for the foundation of a lectureship and professorship. But what is required in this Presidency is that it should have properly equipped and manned Government Colleges like the Elphinstone College, and a good staff who have an inducement to stay. At present when a good man is found he is immediately required and transferred to the Inspector's Department.

I also wish to refer to the resumption by the Government of the land which they have made over to the Improvement Trust. I was particularly astonished when the Judicial Member of the Council, the Honourable Mr. Fulton, said that it is perfectly true that the Government are resuming large plots of land and that it is perfectly legal for them to do so. It may be strictly legal, but I do not think it is necessary to tell Mr. Fulton that besides legality there should be equity and justice in the matter. No doubt it is true that there is a clause in the Improvement Trust Act which permits both the Government and the Corporation to resume certain portions of the land from the Trust if they were required for public purposes, but I think great care ought to be exercised in such resumptions, for it has been carried out to such an extent as to seriously affect the income of the Improvement Trust.

Now, Sir, I wish to speak on the matter of the Mahableshwar leases. There are very many interests in this and it is a very great pity that we should be divided on the subject of race in this country. The real wish of those who work for the welfare of this country is that these influences shall be minimised, and I shall deprecate anything which tends to widen these differences. It has been said that the Europeans have been driven out of Malabar Hill. I have heard it said that Europeans have been turned out of Cumballa Hill. It is generally understood that Government officials receive salaries which have been fixed so as to enable them to carry out their social duties, but it must be remembered that they must be prepared to pay for their requirements just as ordinary people have to do. I, Sir, do not think it is right that when a man builds a house on Malabar Hill he should be required to sign a lease containing a clause that he must give it up to the Government if it be required. The conditions are not regulated by the ordinary laws of supply and demand. It is true that native gentlemen have many buildings at Mahableshwar, but I emphatically deny that there is the slightest foundation for the statement that they make any money out of these buildings. They have built the houses primarily for their own occupation and, Sir, I ask if it is right or fair to ask them to walk out

* The Director of Public Instruction.

because they are required for the accommodation of Government officers. It is probable that the houses built by Hindu gentlemen would not be suitable for Europeans and the Government would be chary of asking them to go out, and I am afraid they will come down on the house-owners of my community. I fail to see why Government should resort to such measures. If they want accommodation for their officers, the Hill is large enough and the Government should build their own houses on it. I sincerely hope the Government will not give the slightest countenance to a policy which is calculated to widen the distinctions of race which already exist.

You must have read an article recently published in the first Paper of Asia with regard to the annual departure of the Government to Mahableshwar. That paper carries with it the opinion of the non-official European mercantile community of the Presidency. They naturally object that the greater part of the year is spent away at Poona and Mahableshwar and only a very small portion of it is spent in Bombay. If the Government insist on carrying out the scheme to accommodate the officers at Mahableshwar in the manner they propose to do I warn the Council that the native community will join hands with the European non-official section, whose voice has, I believe, been fully voiced by the " Times of India."

I also wish, Sir, to speak on the relationship which has existed for some time past between the Government and the Corporation. The latter have always been anxious to maintain relations of the most respectful harmony with the Government, but latterly the impression has grown that the Government have not treated them in the fair manner to which they are entitled. For instance there is the question of stamp duties. I refer to the refusal of the Government to forego stamps on certain temporary loans. The Corporation have often to resort for raising temporary loans to debenture mortgages, and these are always subsequently made into permanent loans. By the action of the Government they have been forced to pay stamp duty over and over again. I also refer in this matter to the recent action of the Government in deducting certain charges on account of the deputation of famine refuges from Bombay from payments due to the Corporation without any previous reference to that body, and to the action of the Government in attempting to obtain from the Corporation the payment of the salary of Mr. Playford Reynolds. The Corporation has never forgotten how it was treated in the matter of the liquor fines which item was part of its revenue. In 1878 a Bill was brought in to take that revenue from the Corporation to the Government. The allowance, contrary to all customs, was made on the amount of the revenue then without any reference to its probable future growth and so the Corporation gets Rs. 1,40,000 still although the revenue has risen to Rs. 3 lacs. Sir, I bring these matters forward to implore the Government to meet the Corporation, as they wish to do, in a spirit of harmony.

Before resuming my seat I wish to refer to the cotton-seed industry. When the schedule was made, it will be seen, an attempt was made to exempt certain articles. It was then decided that pressed bales would be exempted, as thereby some of the

danger caused by loose material lying about was avoided. In these circumstances the storing of the article is regulated by licenses, so that it can be known where the stores are. If the license is too heavy I have no doubt the Corporation will do something to modify it.

Mr. President, * before concluding I should like to make a brief reference to the separation which is imminent. I understand, Sir, that you are leaving this Presidency within a short period. We have had our differences of opinion, but I know that you have devoted many years of your life to the Financial Department. It is possible that in such differences of opinion not hard blows but hard words have been exchanged in matters connected with Land Revenue. I wish with regard to the controversy on that subject that you had found it more consistent with your high reputation and dignity not to use the harsh language you did in respect to the arguments of one of our eminent colleagues who was actuated by feelings just as honest and conscientious as any officer in this Presidency, in the part he took in these debates.† But after all has been said and done it is impossible not to recognise and appreciate that you have been a most capable, conscientious and high-minded administrator and have always strenuously applied yourself to the welfare and advancement of the Presidency, in the charge of the finances of which you have been placed. You have been not only a capable and conscientious administrator, but it is a common opinion, and has come to be generally recognised, that you have always carried out the administration of the affairs of this Presidency with a kindly and sympathetic spirit. For these reasons the Council regrets your separation from the country in which you have spent the best years of your life and we wish you long life, health and prosperity in the country which you make your home.

BOMBAY LEGISLATIVE COUNCIL.

HARDSHIP ON MATHERAN LEASEHOLDERS.

At the Meeting of the Bombay Legislative Council held at Poona on 10th July 1905, the Hon. Mr. S. W. Edgerley moved the second reading of "A Bill to Amend Certain Enactments and to Repeal Certain Other Enactments." The Motion being carried, the Council proceeded to consider the Bill in detail. The Hon. Mr. G. K. Parekh moved to delete entries 5 and 6 of schedule I relating to sections 40 and 43 of the Bombay Land-Revenue Code, 1879, and he was supported by the Hon. Mr. Setalvad. The Hon. Sir Pherozeshah spoke as follows :—

Mr. President,—I join my honourable friends Messrs. Parekh and Setalvad in opposing the proposed amendment of sections 40 and 43 of the Land-Revenue Code. I ask Government to calmly consider how inequitably the attitude taken up by them

* Sir James Monteath.

† The colleague referred to here was the Hon. Mr. G. K. Parekh.

in reference to Matheran leases works on the people who have built bungalows at that hill-station. I myself own bungalows there and can therefore speak with some experience about the matter. The leases are given for the express purpose of building bungalows and it is made obligatory on the lessee to build a bungalow within a particular period. Now the very conditions of a station like Matheran make it necessary for the lessee to excavate stone and earth from his plot for the purpose of building his bungalow as it would be impossible to bring them from Bombay or any other place. And it is hard that the lessee should not be entitled to use earth and stone from his plot for erecting the bungalow which he is bound under the terms of his lease to erect. Then he is bound to erect boundary-pillars marking the limits of his plot. Moreover everyone knows that the rain-fall at Matheran every year is heavy and that the roads and approaches are washed away and it becomes necessary for the lessee to reconstruct them every year. For that purpose he has to put back stones and earth in their proper places by removing them from where they have been washed away by the rains. Yet if the section is amended as proposed, Government will be able not only to levy fees from the lessee every year for the removal of the same stones and earth but to institute criminal proceedings against him. If criminal proceedings are instituted he will be tried by the Superintendent, who is always very zealous to guard the interests of Government and who virtually is the person who starts such proceedings. True, the person so criminally prosecuted and fined may appeal to higher tribunals and ultimately have justice done. But is it right that members of the public should be put to all the harassment and expense of such prosecutions ? In the case * that went up to the High Court and to which Mr. Setalvad referred, Mr. Pasta was a rich man who could afford to take up the matter to the High Court. But all persons may not be in the position of Mr. Pasta and they may find it impossible to vindicate their rights. Then even in cases where no criminal prosecution is instituted Government will, under the section as amended, be enabled to recover from the lessee as arrears of land-revenue, by distraint of his properties, the fees claimed by Government for the use of stones and earth even for the purposes I have above indicated. And the lessee who disputes the right of Government to do so will be forced to sue Government in a Court of Law. Now I put it to Government whether it is fair or equitable that in *bonâ fide* disputes as to rights of this nature Government should be at liberty to summarily enforce their view and force the subject to take up the highly disadvantageous and difficult position of a plaintiff fighting Government with all their legal and financial resources ? I can well conceive the fairness of Government saying that the lessee has no right to remove earth and stone out of his holding for using them for purposes unconnected with the lease. I quite agree that such a removal by the lessee should be prevented and brought within the section. But I do appeal to

*In the case of Mr. Pasta which went up to the High Court, Government recovered the fees, they claimed, for stones lying on his plot and used by that gentleman for erecting the boundary-marks of his own plot, by distraint of his property as if the fees so claimed were arrears of land-revenue. The High Court without going into other questions held that stones did not fall within the purview of section 43 and therefore Government were not justified in recovering as arrears of revenue the fees they claimed. It was now proposed by this Bill to legalise such recovery.

Government to consider whether it is right that they should interfere with the use on the plot itself of earth and stone taken from the plot for all lawful purposes under the lease. The judgment of the learned Chief Justice* in Pasta's case shows how unjustly the section if amended as proposed would work and I appeal to Government not to press the proposal.

The Hon. Mr. Edgerley having met the objection of the honourable members by inserting the words "from his holding" after the word "remove" in section 43, Mr. Parekh withdrew his Amendment.

PRINCE AND PRINCESS OF WALES IN BOMBAY, 1905.

A Public Meeting of the citizens of Bombay was held on 14th August 1905 for the purpose of making suitable arrangements to welcome T. R. H. The Prince and Princess of Wales to Bombay. H. E. The Governor Lord Lamington was called to the Chair. The Hon. Sir Pherozeshah, who was received with tremendous cheering, addressed the Meeting as follows:—

Your Excellency, Ladies and Gentlemen,—I am entrusted with the task of laying the next Resolution before you which is "That in addition to making suitable arrangements for celebrating the joyous occasion, it is highly desirable in the opinion of this Meeting to take steps towards raising a permanent Memorial in commemoration of the auspicious event,—such Memorial to take the form of a Public Museum with Library, Art Gallery, Garden and other adjuncts of popular recreation as far as the funds will permit."

I suppose, ladies and gentlemen, that in moving this Resolution, I am expected to expatiate upon the theme that this is an occasion which deserves not only to be celebrated with rejoicings and festivities at the time, but which also deserves to be cherished and remembered by some permanent handing down of our feelings and impressions regarding it to our children's children in a manner that would add to the beauty and greatness of our city,—an institution both ornamental and useful. ("Hear, hear.") Gentlemen, in saying the word ornamental, I use it in the sense and in the definition which His Excellency has put upon it—not mere expensive ornamentation, but something ornamental in its severe simplicity and utility. But, gentlemen, it seems to me, however, that it is scarcely necessary to spend many words on such a subject before a public meeting of the citizens of Bombay whose public spirit, I am vain enough and proud enough to imagine, marches hand-in-hand with its deep and abiding loyalty and whose spirit of enterprise is stimulated by a free-handed generosity such as that of which we have recently heard an account from the lips of His Excellency. (Cheers). I was reading the other day a report of the proceedings of a Public Meeting held at Calcutta for the same purpose for which we are assembled to-day and I was very much struck by an observation then made by the Chief Justice of Bengal.†

* Sir Lawrence Jenkins, K.C.I.E.

† Sir Francis Maclean.

He was one of the speakers on that occasion and it is only a sentence or two of his speech that I will take the liberty to read out to this Meeting. He said:—"It may be, gentlemen, that sometimes you have cause to complain of this government, or that, and it may possibly be, though it is a contingency which I can scarcely contemplate"—I read this, gentlemen, with all deference to the Chief Justice—(Laughter)—"that you may have to find fault even with the High Court. Be that as it may, my residence in India has convinced me that deep down in the hearts of the Indian people, there resides absolute loyalty to the British Crown." I make bold to say that a greater truth was never uttered. (Cheers.) Look at the population of this city or any other city in the whole of India. Here we are, men of different races, different communities, different sects, different religions, divided by various differences caused by the differences of race and religion; and still, gentlemen, I ask you what it is?—in this country of so many differences we are bound together in one developing tie of unity? What is it but our deep and abiding loyalty to the Royal Family. (Cheers.) Gentlemen, I have always thought and I have repeated it time and again that this is the abundant harvest reaped of that most precious of all gifts bestowed upon the Indian people by English rule, namely—Education—education not perhaps of the very highest or select order, but widespread enough to filter down slowly but surely, from strata to strata of Indian society. Gentlemen, we have been often told, and it is perfectly true, that the soldier is abroad, and just now, some say, very much so, maintaining and preserving peace and tranquility throughout the country and, as it is sometimes said, outside the country; but I venture to say that it is quite true that the humble schoolmaster is also abroad, far more humbly paid and far less brilliantly accoutred but still in his quiet humble way transforming the feeling of gratitude for the maintenance and preservation of peace and order into a sentiment of earnest, devoted and enlightened loyalty. (Cheers.) It has been said, ladies and gentlemen, that, after all, the loyalty of the Indian people is a different thing from the loyalty of English people to their own natural Sovereign—though, after all, the English is also a conquered race and that it is lacking in what may be called a personal element. Gentlemen, that may have been so in old days which we do not remember. But I venture to say that after the genuine, spontaneous and general outbursts of feeling on the occasion of the death of the late revered and beloved Queen-Empress, the equally natural demonstration with which the accession of His present Majesty was hailed throughout the country, it will scarcely be denied that the personal element has also largely entered into the deep loyalty of the Indian people. (Applause.) The goodness and greatness of the sympathetic womanhood which distinguished the late Queen in all her dealings with this country, stirred the heads and minds of the Indian people into a personal feeling of love, of respect and of reverence towards her august personality. (Applause.) This feeling was immensely stimulated and strengthened by the visit of His present Majesty, then Prince of Wales, to India* during which, we may proudly boast, he first displayed those great qualities of head and heart which have now made him perhaps the most popular,

* In 1875-76.

the best beloved and admired of European Sovereigns. (Cheers) The residence of the Duke and Duchess of Connaught in this country contributed not a little to the same end. It is no wonder, therefore, that we look forward to the visit of Their Royal Highnesses the Prince and Princess of Wales as one devised in the highest interest of this country. If I may venture to put it in this way, our deep and personal loyalty to the Royal House of England is one of our most valued political assets. Gentlemen, let us always hold fast by it. We shall celebrate it by rejoicings and festivities, but at the same time, going further, and giving vent to our enthusiastic feelings, by erecting some permanent memorial which, as I have said, will add to the lasting beauty of this city. Gentlemen, when the programme of festivities and rejoicings is out, I have no doubt that there will be a large influx of people in this city from the various parts of the Presidency, and Bombay will be able to accord a most hearty and enthusiastic welcome to Their Royal Highnesses. As to the question of a permanent memorial, I congratulate myself that His Excellency the President has taken the subject under his own wings and has placed before you reasons why you should heartily, spontaneously and enthusiastically co-operate for the purpose of carrying out the scheme. It was right and proper that His Excellency has placed this subject before you, for I can tell you that the credit of the organisation and the idea of the scheme rest entirely with him. (Cheers.) Gentlemen, he has told you only this Memorial will be worthy of the occasion; and you will allow me to add that it will also solve the difficult question of utilising the Crescent site. This is a site about which we have been squabbling for a long time and I do not think that it can be better utilised than for the purpose of locating the Museum. The situation is appropriate to the occasion on account of its surroundings. There is on one side of it the equestrian statue of the King-Emperor. On the south side is situated the Alfred Sailors' Home*—a Memorial of the visit of another son of our late Queen-Empress. Is it not proper then that this Museum should be placed in a quarter where there are already mementoes of Royal Visits? I understand that we will have another statue of some sort, whether an equestrian statue or otherwise, which will be placed in the same locality and which is to be the gift of one of our valued citizens who now occupies the high position of the Sheriff of Bombay.† (Cheers.) I think I need not take up your time in expatiating on the value of providing a permanent Museum in Bombay. We have been charged —I do not say untruly or unjustly—that we have always claimed for Bombay that it is the perfection of the cities in the world. We do admit we have faults indeed and we may admit that in the matter of museums, Bombay has fallen behind—leave alone the cities of the world—even Calcutta and Madras. Gentlemen, it is time that we should have a Museum and that with the co-operation of the Government in the manner in which His Excellency has announced to you, the citizens of Bombay will provide a Museum worthy of the memory of the visit of Their Royal Highnesses the Prince and Princess of Wales. (Loud and prolonged cheers.)

* Named after Alfred, Duke of Edinburgh, second son of Queen Victoria. He visited India in 1869.

† Sir Sassoon J. David, Bart.

BOMBAY UNIVERSITY.

THE NEW REGULATIONS.

The Senate of the Bombay University at its Meeting held on 15th September 1905 considered the Report of the Committee submitting draft regulation relating to the constitution and functions of the Senate, the Faculties, the Syndicate, the Board of Accounts, the Board of Studies and the Registrar.

Principal W. H Sharp proposed that the Report of the Committee be adopted while an Amendment was moved by Principal F. G. Selby.

Several fellows including Dr. D. Mackichan, the Vice-Chancellor, having addressed the Senate, the Hon. Sir Pherozeshah spoke as follows :—

Mr. Vice-Chancellor and Gentleman of the Senate,

It has been quite refreshing to me and to most of the members present here that we have come to recognise in the Vice-Chancellor a Red Radical while Principal Selby* is a Tory of the Tories. But the ideas which we had formed of Principal Selby were quite different. The large body of graduates not only belonging to the College over which he presides but also of colleges with which he has nothing to do, had also formed an altogether different opinion of him. They all said that he was an ultra Radical. I think that they had all fallen into a fallacy in drawing that distinction. It seems to me that the Vice-Chancellor in making his remarks did not recognise the two principles laid down by Principal Selby and supported by the Hon. Mr. Justice Tyebjee. The Vice-Chancellor has laid down that we must not be tied down to our old precedents, that the Bombay University has been a worse sinner in that respect that it has been such a large body that it came to wrong conclusions on various occasions, and that it was the constitution of the Bombay University that has demanded reforms. Gentlemen, I am surprised to hear such a statement.

The Vice-Chancellor :— I have not made such a statement. What I said was that the size of this Senate had often been quoted as a strong argument in favour of the reduction in size of the Universities.

Sir Pherozeshah :— If you said only that much, it comes to nothing.

Gentlemen, I have read the debates that took place in the Viceroy's Council on the Universities Bill and I remember that the framer and the introducer of the Bill have distinctly acknowledged that if the demand for reform rested only upon the action of the Bombay University, there was no necessity for it. Anybody who reads those debates will at once find that it was thoroughly felt that if the Bombay University had stood alone with its past traditions, in all probabilities the Universities Reform Bill would never have seen the light of day. Therefore I will say that in making those

* The Principal of the Deccan College, Poona.

remarks the Vice-Chancellor has really brought out an argument which tells the other way. I think the Vice-Chancellor has not comprehended the principle upon which Principal Selby has based his argument. The Principal has shown by his argument that when a system has existed for nearly half a century and has not been shown to have led to any mischievous results, the burden of proving that reforms were needed lay on those who wanted to alter that system. Everybody must recognise that the right principle upon which he ought to proceed is this—that the system which has been tried for half a century and against which the Vice-Chancellor has tried in vain to make out a case and which has never been shown to have led to mischievous results, I submit that this system which has stood the test successfully for half a century, should not be abrogated unless a very strong case is made out against it. This is the only right and straightforward way of approaching the question. The Vice-Chancellor has failed in discharging the burden of showing that the system has worked badly and mischievously. All that the Vice-Chancellor has tried to show is that nothing wrong would be done if we accepted the new proposal. I submit, gentlemen, that this is not the way of approaching a question of such a gravity. In regard to University matters it is not the members who can be designated as Tories, as the Vice-Chancellor has tried to show them to be, but if the past records of the University were examined, a proper case for dubbing the Vice-Chancellor a Tory, would be found. We all know with what stubbornness the Vice-Chancellor had opposed reforms in the method of taking the Matriculation Examination. I am in a position to cite various instances to show that it is the Vice-Chancellor who, though he has just claimed to be a Red Radical, ought to be properly called a Tory. Then the arguments put forward by the Vice-Chancellor in support of Principal Sharp's Motion, conclusively go to prove the justice of Principal Selby's amendment. He has asked us not to fear that the services of able men would be lost to the Faculties on the ground that the Act provides for co-optation. I submit, gentlemen, that this is not the way in which the Senate should exercise the power of co-optation. Principal Sharp has asked us to leave the power of improving the Faculties when required, in the hands of the Faculties themselves, but I think the Senate is the proper body for the performance of this function. The power of co-optation, which was misinterpreted by the Vice-Chancellor, was given not for the purpose of importing Fellows from one Faculty into another but for inviting learned men from outside to assist the Faculties in discussing important questions.

As regards the question of appointing a Fellow to more than one Faculty, I should like to ask why a lawyer possessing the degree of M.A. should be relegated to Law Faculty only? Why should he not be appointed to the Faculty of Arts? A man possessing a degree in Arts might take up for the purpose of profession some other branch but that is no reason for disqualifying him to represent the Faculty of Arts. Again, the Vice-Chancellor has stated that a Fellow might work in the Faculty of Arts but that he should not be allowed to take part in electing the Syndics. I submit, gentlemen, that the most important function of the Faculties is

the election of the executive bodies on whom the discipline of the whole University rests, and that the right of exercising that function should not be taken away from a Fellow because he happens to be a lawyer. The Vice-Chancellor has described an illustration in one of the minutes as " unworthy". I submit, gentlemen, that words of this character should not have fallen from a gentleman who occupies the Chair of the Senate. It is stated in support of the proposal that some members will have double votes while others a single vote. I deny that statement. Every member should have one vote in each of the Faculties he represents. We have got the instances of eminent lawyers serving as members of more than one Faculty.

In conclusion, genltemen, let me say that the Motion of Principal Sharp means that the judgment of the Senate should be tied down by mechanical rules. But if you have any confidence in the judgment of that body you should repose it by passing Principal Selby's amendment.

After some further discussion, Principal Selby's amendment was carried, 44 members voting for and 23 against it.

BOMBAY MUNICIPAL CORPORATION.

CLAIMS OF PRECEDENCE OF ITS PRESIDENT.

An informal meeting of the Bombay Corporation was held on 6th November 1905 to consider a question that had arisen as to the right of the President of the Corporation to be included among the notable personages who were to receive Their Royal Highnesses the Prince and Princess of Wales on their landing at the Apollo Bunder. Copies of correspondence between the Municipal Secretary and the Chief Secretary to Government were circulated among the members. The Municipal Secretary at the desire of Sir Pherozeshah, the President, had invited the Chief Secretary's attention to the Notification issued in connection with the visit to Bombay in 1875-76 of H. R. H. the Prince of Wales, in which the Chairman of the Corporation was specifically included and given a place precedent to the Municipal Commissioner, the Sheriff of Bombay, etc. The Municipal Secretary further hoped that on the occasion of the forthcoming visit of Their Royal Highnesses and on future similar occasions, the same precedent would be followed by Government.

Since the above correspondence took place, Government issued a Notification in regard to the arrival in Bombay of the Royal Personages in which the President of the Corporation, the Municipal Commissioner and the Sheriff of Bombay were not included among those who were to receive Their Royal Highnesses at the Bunder.

At the informal meeting at which the reporters were asked to withdraw, it was resolved that a representation be made to Government explaining the feeling of the Corporation in the matter and asking the Government to reconsider the case, as the City ought to take a prominent part in the reception of Their Royal Highnesses the Prince and Princess of Wales.

THE CORPORATION'S PROTEST.

From

The Hon. Sir Pherozeshah M. Mehta, K.C.I.E.,

President, Municipal Corporation, Bombay.,

To

The Hon. Mr. S. W. Edgerley, I.C.S., C.I.E.,

Chief Secretary to Government, Political Department.

Sir,—I had the honour of addressing you in my letter through the Municipal Secretary No. 3352, dated the 14th October 1905, inviting the attention of Government to the previous precedents, notably that on the occasion of the landing of the King-Emperor when Prince of Wales, regarding the inclusion of the President of the Corporation among the notable personages invited to receive Their Royal Highnesses at the landing at the Bunder. The only reply received was an acknowledgment of the receipt of letter.

(2) I had subsequently the honour of respectfully placing before H. E. the Governor a copy of the above letter addressed by me to you.

(3) No further communication was received by me but on November 1st a Public Notification No. 7050 was issued by Government in which I found that neither the President of the Corporation nor the Municipal Commissioner who had hitherto been invariably included in such Notification, had been asked on this occasion to receive Their Royal Highnesses.

(4) In these circumstances I thought it proper to convene an informal meeting of the members of the Corporation to advise me as to what course I should pursue.

At that meeting at which 54 members were present, it was unanimously resolved that I should respectfully represent to Government that while fully recognising that it could not be the wish of Government to minimise in any way the important position of the President and the Municipal Commissioner as representatives of the Corporation and the City or that Government could wish not to fully recognise their position as such, a very strong feeling prevails, both in the City and in the Corporation, that the omission in the manner above described of the representative Heads of the Municipality and the City had been considered as a disregard of the importance of the City and is calculated to seriously wound the feelings of the people.

(5) The Corporation feel that the importance of the City as a unit in the administrative divisions of Western India entitles its Representatives, both President and Commissioner, to special and marked consideration, which no question of ordinary

official precedence should be allowed to affect. They also consider that this recognition is in no way affected by the fact that the Corporation as a body is to present an Address to Their Royal Highnesses.

The City claims, among those who "receive" Their Royal Highnesses, the President of the Corporation, and the Municipal Commissioner should have an equal and prominent position.

(6) I may mention that the City's feelings on this matter extend also to the Sheriff though, as he is an officer of Government, I do not feel justified in representing his claims.

(7) It was unanimously felt at the meeting that no step should be taken that would in any way mar that harmony and good feeling which the City is anxious and determined shall mark the reception of the distinguished Visitors. It was therefore considered that the best course would be that I should communicate to Government the unanimous sentiment of the meeting and to pray them to reconsider the question and pass such order as will promote the fullest harmony and cordiality of feeling on this great and unique occasion.

PHEROZESHAH M. MEHTA,

President.

Another informal meeting of the Corporation was held on 8th November 1905 when the Hon. Sir Pherozeshah, who presided, said—

Gentlemen,—I am very glad to be able to inform the Corporation that the representation which I, in consultation with the Commissioner, made to Government, has been met with the most generous response. ("Hear, hear.") I may inform you that I had a talk with the Hon. Mr. Edgerley about the matter and he very frankly and openly explained to me all the circumstances in consequence of which the Notification objected to was issued, and on looking at all the papers, I am convinced that nothing could have been remoter from the intention of Government than to cast in the least degree any slight or slur on the Corporation. I am glad to say that Government fully recognised the position of the Corporation in the City. ("Hear, hear.") Their idea in regard to this matter was to work up the occasion in such a way that—although opinions might differ on the point—the Corporation would be the Crown in the whole affair. Their intentions and wishes might be of that character and it happens sometimes that when a change is suddenly made, it is difficult to explain it to a number of people and to remove the impression which, under those circumstances, an alteration of that sort might well be calculated to produce. The Government fully recognised that, and they pointed it out in their reply, as it was pointed out to me. Their intention was to give the Corporation an exceedingly suitable place in the whole arrangement. They say they are very willing and it would be a pleasure to them to

be able to do anything to remove any misunderstanding that might exist on a subject of this kind. That is a very satisfactory explanation and I am of opinion that the Corporation has been treated with a liberality and broad-mindedness such as we have always received from His Excellency the Governor and from the members of His Government. ("Hear, hear.") I hope, therefore, that the Corporation will consider that the way in which this matter has ended is one of the happiest kind. The visit of a Prince of Wales is an event which occurs once in a quarter of a century and I am sure that whatever might have been the result of our action in this matter, the City would have greeted Their Royal Highnesses with a loyalty, enthusiasm and cordiality, which have always marked its reception of the Royal Princes. (Applause). I think the citizens of Bombay will recognise the liberal spirit in which their feelings have been treated on this occasion. I for one after having gone through all the facts, am convinced that no intentional slur had ever been meant, and I think that the Corporation and the City might well congratulate themselves on the liberal and generous manner in which they have been treated by the Government. (Applause).

Thus the prerogative of the Corporation having been recognised by Government, the matter was here brought to a happy termination.

BOMBAY MUNICIPAL CORPORATION.

ADDRESS OF WELCOME TO THE PRINCE AND PRINCESS OF WALES, 1905.

On behalf of the Bombay Municipal Corporation, the Hon. Sir Pherozeshah Mehta, its President, read the following Address of Welcome to their Royal Highnesses the Prince and Princess of Wales (now King George V and Queen Mary) on their landing at the Apollo Bunder on 9th November 1905:*

To

HIS ROYAL HIGHNESS,

GEORGE, PRINCE OF WALES, K.G., K.T., K.P., P.C.,

G.C.M.G., G.C.V.O., G.C.S.I., G.C.I.E., ETC., ETC.

And

HER ROYAL HIGHNESS,

VICTORIA MARY, PRINCESS OF WALES, V.A., C.I., ETC., ETC.

MAY IT PLEASE YOUR ROYAL HIGHNESSES,

We, the President and Members of the Municipal Corporation of the City of Bombay, beg to tender to Your Royal Highnesses in the name and on behalf of all its

* Though the drafting of this Address was entrusted by the Corporation to a Committee which included Sir Pherozeshah Mehta, it was well known that it was drafted by him alone, others joining merely for formality's sake. It may be mentioned here that many of the Addresses of Welcome to high personages from the Bombay Corporation were from the pen of Sir Pherozeshah, some of which are here embodied as specimens of his penmanship.

inhabitants an earnest, enthusiastic, and loyal welcome on your first landing on the shores of India.

A part of the dowry brought to an English Sovereign by his Portuguese bride, Bombay has been long associated with the Royal Family of England, and may justly lay claim to be a Royal City; and we therefore proudly consider that it is only in the fitness of things that this city should lead the hearty greetings and rejoicings that eagerly await Your Royal Highnesses throughout the length and breadth of this country.

Under the ægis of the British Crown and its wise and generous policy of equality, sympathy, and toleration, this City has marvellously thriven as an important centre of trade, commerce, and industry. At the time when it came to King Charles II, it was an insignificant cluster of islets, as shown on one panel of the Casket, which will hold this Address, with a sparse population of 10,000 souls, whose only trade was in dried fish and cocoanuts. Bombay now takes a high place among the great cities of the Empire and of the World, and the foundations of its growth and prosperity are so deeply laid that though we have of recent years passed through dire visitations of pestilence and disease, aggravated by agricultural distress throughout the Presidency, this growth and prosperity have not only not been permanently checked but have continued to increase. We gratefully see in this wonderful transformation the righteous beneficence of British rule, founded on justice and equality, making no distinctions of colour or creed, and extending equal opportunities to men of varied creeds and nations who inherit ancient civilizations from widely separate families of mankind.

It is thirty years almost to a day that we had the inestimable privilege of welcoming Your Royal Highness's august father, our most gracious Sovereign, the then Prince of Wales, on his historic visit to this country, the happy memories whereof are yet cherished throughout the land, among high and low, with pride and affection. We may be pardoned for fondly believing that it was during that visit that His Imperial Majesty first displayed those great qualities of head and heart which have to-day enabled him to play so noble a part in the peaceful destinies of mankind and to win the esteem and admiration of the whole world, and which *then* contributed powerfully to develop the loyalty of the people of India into personal attachment to the Royal Family of England, the foundations of which had been laid deep in the hearts of the people of this country by the sympathy and solicitude which the great and good Queen-Empress Victoria had constantly shown for their well-being and advancement.

We pray Your Royal Highness to convey to His Majesty our feelings of unalterable loyalty and personal attachment, and our gratitude for the proof he has once more given of his great care and regard for his Indian subjects in sending not only his Royal Son and Heir to become personally acquainted with them, but to do them the high grace of sending him accompanied by his Royal Consort the Princess of Wales. Her Royal Highness's gracious and kindly presence amongst us cannot but deeply touch the heart of the country, of people of all classes and all grades

alike, who will value beyond measure so striking a token of her womanly sympathy and solicitude for them. We joyously hail with heartfelt greetings the first Princess of Wales to set foot on the soil of India.

We now pray that benign Providence may watch over Your Royal Highnesses' progress throughout this country and bring it to a blessed and happy conclusion, so that it may prove fruitful of results, binding together closer and still more close the ties which unite the two countries, whom a wonderful dispensation of Providence has brought together from distant ends of the world, to the lasting glory of Your Royal House and of the great Empire over which it presides.

Bombay, 9th November 1905

PHEROZESHAH M. MEHTA,

President of the Corporation.

M. N. WADIA,

Municipal Secretary.

The Common Seal of the Municipal Corporation of the City of Bombay affixed in the presence of (Seal.)

KAVASJEE EDALJEE DADACHANJEE

BHALCHANDRA KRISHNA

IBHRAHIM RAHIMTOOLA

JAMES McDONALD

Members of the Standing Committee of the Corporation.

BOMBAY UNIVERSITY.

MATRICULATION EXAMINATION. QUESTION OF AGE LIMIT.

At the Meeting of the Senate of the Bombay University held on 9th February 1906, Principal F. G. Selby moved that the minimum limit of age for admission to the Matriculation Examination be raised from 15 years, as had been previously decided by the Senate, to 16 years, and that a corresponding change be made in the revised regulations. Mr. Selby said that in moving the proposition he, as well as Sir Pherozshah Mehta, had not been influenced in any way by the letter of the Government which asked them to reconsider the advisability of raising the age limit but that long before that letter had been sent to them they had come to the

conclusion that the age limit should be raised. Messrs. D. G. Padhye and N. M. Samarth opposed the above proposition.

The Hon. Sir Pherozeshah spoke as follows:—

MR. VICE-CHANCELLOR AND GENTLEMEN OF THE SENATE,—

At the outset in reply to Mr. Padhye, I may say, that the reason why the Senate formerly abandoned the limit of 16 years, was that at the time the limit of age fixed for the Civil Service Examination was lower than it now is, and hence many students found it difficult to appear at that Examination. As to the Medical Service Examination, I know that the limit of age has always been very high and the students are not required to take any medical degree in India to appear at that Examination. With regard to the age at which students in Bombay appear at the Matriculation Examination, I find from statistics that the average age is not 14 or 15, but 17 or 18. I consider that it is necessary to limit the age to 16, so that parents may not be tempted to push up their children to the University at an early age. My experience is that not only the parents, but the students themselves—and particularly Brahmin students—are so ambitious to enter the University that they flock together in the towns and attend colleges at the sacrifice of their health. It is this indirect mischief that the proposition of Mr. Selby seeks to remove. I am afraid the real reason for opposing the proposition is that Messrs. Padhye and Samarth appear to think that if they supported it, they would be carrying out a mandate of the Government. I ask you, gentlemen, to look at our constitution as it is. We have deliberately chosen to accept the new constitution, to work under it, and to enter upon the duties of Fellows. I, for one, think that we should not kick against that very constitution. I would remain in it, and if I find it perfectly useless to do so, I would resign. But while I remain in the Senate I can never lose sight of the fact that the constitution enables the Government to impose upon us a regulation which, I should think, is neither irregular nor improper. It would be even constitutional for Government to say that the limit should be 16 years. But here the Government, instead of forcing upon us a regulation arbitrarily, asks us whether the limit should be raised from 15 to 16 and gives us an opportunity of expressing our opinion. I hope, therefore, gentlemen, that you will take this as a suggestion, and not as a mandate, from Government and if you consider it a desirable reform, I trust no Fellow will be led away by other considerations to oppose it.

The proposition was carried by a large majority.

INDIA AND AMERICA.

WELCOME TO MR. AND MRS. BRYAN.

On 29th March 1906, Mr. and Mrs. R. D. Tata gave an At Home to Mr. W. J. Bryan who had twice aspired to the Presidentship of the United States of America, and Mrs. Bryan, both of whom were then on a visit to India. At this Entertainment Sir Pherozesha proposed the toast of the guests of the evening in the following speech.

Ladies and Gentlemen,—I have been asked to express on behalf of Mr. and Mrs. Tata and this representative gathering the great pleasure and gratification which we all feel at having had this opportunity of making a personal acquaintance with the great and distinguished American citizen and his wife. When I use the phrase "American Citizen," I do not use it in its common acceptation, for the American citizen of whom I speak, nearly carried with him the sceptre of the "Uncrowned King" of one of the greatest countries in the world. (Applause.) We are indeed strangers to Mr. and Mrs. Bryan but on behalf of this gathering, I may assure our distinguished guests, that they are not strangers to the inhabitants of this country. The people of India are sometimes described as semi-civilised and barbarous but I venture to say that they are still able to follow the march of events in the greatest countries of the West. They are not unfamiliar with and have felt the greatest interest in and admiration for the two great campaigns which you, Sir, have waged for the Presidentship of the United States. (Applause.) The Indians do not consider themselves strangers to the Americans for there have been ties between India and America arising from industrial and commercial enterprise—a connection that has extended over many years. Some thirty years ago, another great American citizen who occupied the Presidential Chair—I mean General Grant—visited India, and while he was in this city, he was taken to the house of a Parsee citizen, Mr. Dossabhoy Wadia, who had business connection of long standing with America. * But I might say that it is not only the ties of industrial and commercial progress which have joined us with America. If Mr. Bryan had stayed a little longer with us, he would have found that we are not quite unfamiliar with American literature, with American history and with American poetry. † I would go a little further and say that America lies, if indirectly, under a great obligation to India. It was India that led to the discovery of America, for we all know that when Christopher Columbus discovered America, he had set out in the hope of discovering the route to India. Encouraged by that tie of gratitude and emboldened by that close alliance, I take this opportunity of asking Mr. Bryan- though I know he eschews and rightly eschews any discussion of political matters—to solve a problem for me if he can. It has been often asserted that the people of India, comprising as they do so many creeds and races and occupying a country as large as a continent, could never aspire to a sense of national existence. If that be so, how is it that when people of the different parts of the world—the Poles, the Russians, the Jews, the Greeks, and so forth—went and

* When General Ulysses Grant (1822-1885), who was twice President of the United States, was on a tour in India, he paid a visit, while in Bombay in February 1879, to the offices of Dossabhoy Merwanjee Wadia & Co. at the Bazar Gate Street in the Fort. Mr. Dossabhoy (1807-1865) himself had long passed away before this time, nevertheless, the ex-President, by calling on the deceased gentleman's Firm, paid a tribute to the memory of one who had commercial relations with the United States ever since 1842.

† Edgar Allan Poe (1809-1849), the well-known American writer and poet, was one of Sir Pherozeshah's favourite authors and a complete volume of his works always formed part of the small and select library which Sir Pherozeshah usually carried about with him wherever he went. Only a few days before his death, i.e. in October 1915, he had his favourite author's poem "The Bell"—read out to him and although he had read it formerly over and over again, it had not yet lost any of its charms for him.

put their feet on the soil of the United States, they were at once welded into one great American Nation? I would ask Mr. Bryan that when he goes back to his native land, he would ponder over this question seriously and whenever he could, he would send us a solution of this problem across the seas. Any explanation that might come from such a high and experienced personality as Mr. Bryan would be eagerly read by the natives of India and his opinion, whatever it might be, would carry great weight throughout the length and breadth of this country.

And now, on behalf of this gathering, I tender to you, Mr. and Mrs. Bryan, a cordial and sincere welcome to Bombay, and we all hope you will both have pleasant and enjoyable time in this city. (Applause.)

BOMBAY LEGISLATIVE COUNCIL.

A BILL* FURTHER TO AMEND THE ACT TO DECLARE THE CONSTITUTION OF COURTS OF CIVIL AND CRIMINAL JUDICATURE IN THE PROVINCE OF SIND.

At the Meeting of the Bombay Legislative Council held at Bombay on 31st March 1906, the Hon. Mr. Fulton moved the second reading of the above-mentioned Bill. The Hon. Sir Pherozeshah Mehta moved to substitute in clause 2 for the words "one of the additional Judicial Commissioners shall be a barrister of not less than five years' standing," the words "the Judicial Commissioner of Sind shall be a barrister of not less than five years' standing." In support of his Motion he spoke as follows.

My Lord,—My object in moving this Amendment is to bring the Sind Courts Act into conformity with the provisions of the Letters Patent constituting our Chartered High Courts. The Statement of Objects and Reasons shows that it is the wish of Government to give to Sind a Court similar, as nearly as possible, to the High Court. The Letters Patent of the High Court, as my Honourable friend is aware, provide that that Court shall consist of a Chief Justice and other Judges of whom at least one-third including the Chief Justice shall be barristers of not less than five years' standing. The Chief Justice of the High Court must therefore be a Barrister Judge and I submit that following the same analogy it should be provided that the Judicial Commissioner of Sind, who will correspond to our Chief Justice, should be a Barrister of not less than five years' standing. My Lord, I do not deprecate the merits of the judges drawn from the Covenanted Civil Service. I have the highest respect for the ability and capacity of Civilian Judges and some of our best judges have been provided by that service, for example, Sir Raymond West and Sir Maxwell Melvill,† two of the finest judges that ever adorned the High Court

* The object of this Bill was to substitute for the Sadar Court in Sind and for the District and Sessions Court of Karachi, a Court of at least three judges to be called the Judicial Commissioner's Court.

† Sir Raymond West occupied the Bombay High Court Bench from 1873 to 1887 and Sir Maxwell Melvill from 1869 to 1884. Both of them acted as Judicial Commissioners in Sind at the beginning of their Indian careers.

Bench. But, after all, these are exceptional cases. Civilian Judges labour under one very great drawback with regard to the discharge of judicial functions. They have never practised at the Bar and those who are really conversant with the practice of that character know full well that nothing fits a man for the judicial bench so well as having practised at the Bar. It gives him a knowledge and a grasp of appreciation of evidence with which he has to deal, and which he could not get, however long he may be sitting on the Bench and however complicated may be the questions which he has to decide from time to time. However high the abilities of the judicial members of the Civil Service, it has always appeared to those who have practised in their courts that there is just something wanting in them in consequence of their not having practised at the Bar. There is also another reason which has very largely been put forward by the English mercantile community as a reason for having in all the Chief Courts a Barrister Judge as Chief Justice. It is that a Barrister Judge is generally, I will not say always, because there are exceptional cases, more conversant with Commercial Law than Civilian Judges. The Civilian Judges do not come in contact with commercial cases so much as a Barrister Judge who has practised in any of the High Courts in the Presidency and therefore it is that the Barrister Judge has a large grasp of questions relating to Commercial Law than the ordinary Civilian Judge is likely to possess, for the simple reason that he has not to deal with commercial cases in the various districts of the Presidency. Such questions do not arise except in mercantile and seaport towns. Persons practising in the Court of these places are far more likely to have a grasp of Commercial Law than the Civilian Judge.

But it might be said, we have already provided that one of the three judges shall be a Barrister. To that I would answer that it is the Chief Judge of the Court that gives the stamp to the Court. We see it in the High Courts of the various Presidencies that it is the Chief Justice that gives the stamp and character to the Court over which he presides. It seems to me that a Barrister Judge would be in a position to give a stamp of that character much more efficiently than a Civilian Judge.

It is for these reasons that I think it necessary to move that the Judicial Commissioner, and not one of the additional Judicial Commissioners, should be a Barrister Judge.

But, my Lord, while I move this Amendment I am not very sanguine of its success for the reason that this question some time ago was very largely agitated in Bengal and Burma when it was proposed to fill the post of the Chief Judge of Burma by a Civilian. The Chamber of Commerce and almost every one protested against the appointment being filled by a Civilian Judge and prayed that it should be filled by a Barrister Judge, but the Government of India were inexorable. I do not know how that circumstance will affect the consideration of this question by your Lordship's Council. But I do assert that the reasons for selecting a Judicial Commissioner from practising Barristers are very strong and I think it my duty to

place it before this Council to be dealt with as they think proper. I therefore move that for the words "One of the Additional Judicial Commissioners shall be a Barrister of not less than five years' standing," the words "the Judicial Commissioner of Sind shall be a Barrister of not less than five years' standing" be substituted.

The Hon. Dr. Bhandarkar:—Your Excellency,—All Barrister Judges are not good nor are all Civilian Judges bad. If the amendment had been in the following form, namely:—"one of the three Commissioners shall be a Barrister of not less than five years' standing," thus leaving it to Government to make the Chief Commissioner or one of the judges a Barrister instead of "the Judicial Commissioner of Sind shall be a Barrister of not less than five years' standing," I should certainly vote for it.

The Hon. Sir Pheroseshah:—I shall be willing to accept Dr. Bhandarkar's modification of my Amendment.

The Hon. Mr. Fulton:—We have given consideration to Dr. Bhandarkar's Amendment, but we have decided that we are not able to accept it at present because this clause has been submitted to the Government of India. The change proposed is not material, because at present, as the law stands, it is quite open to Government to appoint barristers to all three of the judgeships, if they like; but there are orders of the Secretary of State on the subject which limit their discretion in the matter. So far as the law stands they can do exactly as they please, and even supposing they make the alteration proposed by Dr. Bhandarkar they would still be very much in the same position; but it might be taken to indicate a change of policy. Until it is proposed to change the policy, which at present is not contemplated, I am unable to accept the Amendment.

Dr. Bhandarkar and Sir Pheroseshah thereupon withdrew their Amendments.

* * * * * *

In moving to omit the whole of section 9E in clause 4 of the same Bill, Sir Pheroseshah Mehta said—

My Lord,—I attach some importance to this Amendment because I believe that, if my honourable friend in charge of the Bill had considered this section more carefully, I think he would have come to the conclusion that this section is objectionable on two grounds. Firstly it is undesirable in itself, and secondly it does not do what he thinks it does do.

Clause 9 E runs:—

> "Section 182 of the Code of Civil Procedure and section 356 of the Code of Criminal Procedure, 1898, shall not apply to any proceeding in the Court of the Judicial Commissioner. In that Court the Judge shall, as the deposition of each witness proceeds, make a memorandum of the substance thereof, which shall be written and signed by the Judge with his own hand and shall form part of the record. Where the Judge is unable to make such a memorandum, he shall cause the reason to be recorded, and the memorandum shall be made in writing from his dictation in open Court."

Now the reason for introducing this section has been stated by my honourable friend in the Statement of Objects and Reasons. There he states that "it is proposed to apply the provisions of new section 9E to criminal cases as well as

civil. As Sessions cases in Karachi are almost entirely tried by jury and there is no appeal on a question of fact, the verbal accuracy of the Judge's record is not of so great importance. It is desirable where possible to conclude jury cases in a single day's hearing. There are many cases in which a second day would be unnecessary if the time spent in recording the evidence in full and afterwards reading it over to the witness were saved. Judges entrusted with the work of a High Court may presumably be trusted to make an adequate record of the evidence."

Now, my Lord, these sections—the one in the Civil Procedure Code and the other in the Criminal Procedure Code—lay down minute regulations for the purpose of recording evidence as given by a witness; and what happens is, if the evidence is not given in English, the deposition of the witness as given in his own language is taken down and then read over to him. He thus has an opportunity of seeing whether a correct record of his evidence is taken down, so that when he has signed it, it is an admission of the witness himself as to what he meant to say and what he actually did say. Now what is the position with regard to the High Court? In the High Court it is not, as my learned friend puts it, that the High Court simply makes a memorandum of the substance of the evidence given by a witness. In the Civil Procedure Code a section is provided in Chapter XLVIII which contains special rules relating to the chartered High Courts. Section 633 says:—"The High Court shall take evidence and record judgments and orders in such manner as it by rule from time to time directs." I ask my learned friend's attention to this. The High Court under this section has the power of framing the very same rules which are embodied in section 182 for recording evidence. As clause 9E stands, it takes away from the Judicial Commissioner's Court such power altogether. It gives no power to the Court to record evidence in the manner in which the High Court may, if it chooses, by rules which it has power to make, record it. The Sind Court even if it thinks that evidence should be taken down in the manner provided for District Courts under the Civil Procedure Code, it will not have the power to lay down a rule providing that it shall be done in that manner. The High Court has got the power of framing such a rule and it is instructive to see how the High Court has exercised that power. It has found it desirable to make rules for the purpose of taking down evidence of witnesses in the same manner as provided in the Civil Procedure Code. You will find the rules at page 224, section 269 of Volume I of 1901, of Rules and Forms of the Bombay High Court. The rule in question runs:—"Upon the hearing of any suit the evidence of the witnesses shall be taken down in writing by, or in the presence and under the superintendence of, the Judge or one of the Judges, not ordinarily in the form of question and answer, but in that of a narrative, and the notes so taken shall be sufficient for all purposes and shall form part of the record." This does not go quite into the minuteness of section 182 of the Civil Procedure Code. Section 182 provides that "in cases in which an appeal is allowed the evidence of each witness shall be taken down in writing, in the language of the Court, by or in the presence

and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and also in the presence of the parties or their pleaders, and the Judge shall, if necessary, correct the same and shall sign it." All these details have not been embodied in the High Court rule but that rule is substantially a reproduction of section 182. It lays down that the evidence and not merely the substance of it shall be taken down. The clause as it is now in the Bill is really most objectionable. Under section 9E section 182 shall not apply to any proceeding in the Court of the Judicial Commissioner and that Court will not even have the power to determine for itself whether it shall or shall not follow substantially the provisions of section 182 as the High Court has done. In that Court the Judge shall, as the deposition of each witness proceeds, make a memorandum of the substance thereof, which shall be written and signed by the Judge with his own hand and shall form part of the record. Now, my Lord, I have the greatest repugnance to that phrase " substance of evidence." Substance of evidence may mean anything. I have had pretty long experience in the mofussil District Courts and the High Court, and whenever the word " substance " is used, what is taken down is of the most meagre character. I know there are judges who take down a correct substance of the evidence. But whenever you give power to a judge to take down merely the substance of evidence, it is almost impossible for any one to judge from such memorandum what the witness did really say. And questions constantly arise in Civil as well as Criminal Courts as to what it was the witness actually did say on a particular point. Sometimes it is of the very greatest importance in the case. There being a memorandum of the " substance," one side says, " Oh, the witness did not say what was taken down, or he did not make this specific statement." While the other side says, " Oh no he made that specific statement." Under these circumstances the Court finds itself on various occasions quite helpless to ascertain what the witness did actually say From my own experience I can say that it is most desirable to follow the strict provisions of the Civil Procedure Code. I have often heard laymen saying that this is waste of time. A similar observation is often made with regard to appeals. They say that appeals should be done away with. Those who have really studied the subject recognise that, though it looks as if unnecessary time is taken up by appeals, in the end and in the long run it secures what is of far greater importance, namely, the strict administration of justice. Those who say that there ought not to be so many appeals little realise that it is owing to the existence of permission to appeal that the judge takes far greater care in the way in which he conducts the trial than if no appeal were allowed. In the majority of cases the judicial officer tries them with far greater care and accuracy than would be done if his mind was free from the burden of thought that whatever his decision might be it could not be appealed against. If the evidence were taken down in the way the witnesses endeavour to put it before the Court, if what the witnesses did actually say were taken down in their own words, I think it will ensure a more careful adjudi-

cation of cases than would otherwise be the case. Therefore I appeal to my learned friend not to take this retrograde step of accepting "the memorandum of the substance of the evidence," but to abide by the provisions of the Civil Procedure Code which have been very carefully considered and which apply to all District Courts in the Presidency. If he is not, however, prepared to go so far, then I would ask him to give power to this Court to make rules for the purpose of taking evidence in the same way as the High Court of Bombay has power to make rules on the subject. So that it may be open to this Court to provide as the High Court has practically done that evidence shall be fully recorded as provided in section 182 of the Civil Procedure Code. "The memorandum of substance of evidence" is an elastic phrase which in most cases may mean almost anything. Therefore I ask my learned friend to consider one of the two alternatives. I think he will be doing a great service to the cause of the judicial administration in Sind if he followed the provisions of the Civil Procedure Code. My honourable friend has said we are going to raise the Sadar Court to the status of a High Court. Now Courts are not raised like that by Acts of Parliament. They must have old traditions to regulate them and they must have surroundings for the purpose of maintaining their real status. The traditions of a High Court cannot be created; nor can environments. A High Court like that in Bombay has traditions which have come down not only from its own past history, but traditions which it has so to say inherited from the Courts in England. These traditions come to High Courts and no act of the Legislature can provide them. The environments of a large city like Bombay with its large and public-spirited population cannot be created all of a sudden in other places. I am quite willing to admit that Karachi is fast rising in importance with its growing trade and population. Perhaps my honourable friend Mr. Webb may say I cannot appreciate Karachi in its true light. But I do not think he will deny that, although Karachi has rapidly developed, it has not quite come up to the status of a city like Bombay with its large population, commercial activity and its public spirit. Europeans, who are in a very large preponderance, contribute largely to this and the native population is also advanced. You cannot create all these things in a Province like Sind. Therefore I think it will be very desirable to apply to Courts there the procedure laid down for District Courts. Now all District Courts so far are regulated by the provisions of section 182 and the corresponding provisions of the Criminal Procedure Code. I think it would be really doing benefit to the Province of Sind if those provisions were allowed to be applied to the new Court. For these reasons, my Lord, I move the Amendment that section 9E should be eliminated.

The Hon. Mr. Fulton :—There appears to be some misunderstanding. What we intend to do is to get rid of the reading out of the evidence Now in the District Court of Karachi the evidence is given generally in the Sindhi language or in some vernacular language. It is translated into English as the language of the Court and when the evidence is given by a witness it is translated by the interpreter and the Judge writes it down. At the end of the evidence the Judge hands over his note to the interpreter. The interpreter reads it and translates it sentence by sentence and the witness finally says it is correct. The intention

was merely to drop this last item, viz., of reading out the retranslation into the vernacular, and in other respects it was not desired to alter the method of taking down the evidence or to authorise the Judge to take down anything less than he takes down at present.

H. E. the President then asked Sir Pherozeshah Mehta whether he pressed for a retranslation.

The Hon. Sir Pherozeshah:— Personally I am strongly of opinion that it would be a desirable thing to enforce the provisions of the Civil Procedure Code; but if Government are not willing to go so far, then I would pray that they give power to the Court to make rules for taking down evidence, and drop altogether the words "substance of evidence" which are objectionable.

H. E. the President:—Do you wish that the evidence should be recorded in narrative form?

The Hon. Sir Pherozeshah:—Yes, my Lord.

The Hon. Sir Pherozeshah then expressed his willingness to withdraw his Amendment in view of a modification of Section 9E proposed by the Hon. Mr. Fulton.

The Hon. Mr. Fulton:—Your Excellency, it is proposed to omit section 9E and to substitute the following new section for it.

"9E. The Court of the Judicial Commissioner shall record evidence in such manner as it by rule with the sanction of the Local Government from time to time directs. Section 182 of the Code of Civil Procedure and section 356 of the Code of Criminal Procedure, 1898, shall not apply to any proceedings in such Court after such rule has been sanctioned."

His Excellency the President put the motion that the clause should be amended accordingly: this was agreed to and clause 4 with the new section 9E was passed to stand part of the Bill.

STANDARD TIME vs. BOMBAY TIME.

With a view to having a uniform time throughout the country, the Government of India introduced Standard Time from 1st July 1905. In consequence the Bombay Government and other big public bodies put their clocks 39 minutes in advance of Local Time. The Municipal Corporation of Bombay, however, saw no necessity of bringing themselves into line with the new arrangement. The Bombay Government thereafter having written to the Corporation inviting the latter's opinion about the adoption of the altered time, the Corporation at their Meeting on 5th October 1905, the Hon. Sir Pherozeshah presiding, passed the following Resolution:—

That with reference to Government letter, the Commissioner be requested to inform Government that the Corporation are in favour of the adoption of Standard Time in the City and will be prepared to adopt it for all Municipal purposes.

The Corporation once more at their Meeting on 4th December 1905, the Hon. Sir Pherozeshah again presiding, passed another Resolution on this subject, viz.,

That Government Resolution received by the Corporation be recorded and that the Commissioner be informed that Municipal clocks should not be altered to Standard Time without their express orders.

Again at their Meeting on 22nd January 1906, under the Presidentship of the Hon. Sir Pherozeshah, the Corporation resolved :—

That the Commissioner be informed that the Corporation are of opinion that all the Municipal clocks be set to Standard Time on and from the day after passing of this Resolution. *

The effect of the passing of the above Motion was that the clocks in the Municipal Offices and those of the Crawford Market and the Victoria Gardens were changed to Standard Time.

It might be noted here that during the discussion of all the above-mentioned Resolutions, Sir Pherozeshah was debarred from taking any part in it, occupying as he did the Presidential Chair.† On 5th April 1906, however, his term of Presidentship being over and the lion of debate being, as it were, unmuzzled, Sir Pherozeshah lost no time in bringing the following Proposition before the Corporation at their Meeting on 23rd April 1906 :

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* There being 31 votes for and an equal number against this Motion, Sir Pherozeshah, the President, gave his casting vote against it and declared it lost. On a poll being demanded 31 votes were recorded in its favour and 30 against and the Proposition was therefore carried.

† Although Sir Pherozeshah was from the beginning against the adoption of Standard Time by the Corporation, he, as President of the Corporation, had, in spite of his conviction, to associate himself with their Resolutions and this anomaly reminds me of the duties of Presidents of public bodies as laid down by himself in a correspondence that took place between him and Sir Jamsetjee Jejeebhoy (2nd) Bart., so far back as 1871. It appears that a Meeting was held in Bombay on 9 March 1871 under the auspices of the Bombay Branch of the East India Association of which the Hon. Sir Jamsetjee was the President, at which it was resolved to send Petitions to the Houses of Parliament praying for Select Committees on Indian affairs. Sir Jamsetjee having shown his disinclination to sign those Petitions when they were ready to be sent to England, Mr. Pherozeshah, who was then the Honorary Secretary, wrote to him as follows :—

14 March 1871.

DEAR SIR,

When Petitions or Memorials are sent to the Houses of Parliament, the usual practice is that they should be signed, if proceeding from an ascertained body of individuals or Societies or Associations, by the President and Secretaries of such bodies only and not by all the members individually. We propose to follow this practice with respect to our Petitions for Indian Select Committees and I hope you will be good enough to return me the accompanying Petitions signed as soon as possible so that they may go by next mail.

I remain
Yours etc.
PHEROZESHAH M. MEHTA
Honorary Secretary.

To
THE HON. SIR JAMSETJEE JEJEEBHOY BART.

The Hon. Sir Jamsetjee Jejeebhoy having still refused to attest his name, as President, to the Petitions, Mr. Pherozeshah explained, in the following letter, the usual practice followed on similiar occasions.

Apollo Street,
17 March 1871.

DEAR SIR,

It is with extreme surprise I learn that you refuse to sign the Petitions of the Bombay Branch to the Houses of Parliament praying for Select Committees on Indian affairs. These Petitions were unanimously adopted at a regular General Meeting of the Branch on the 9th March last, and I submitted them to you for your

That in view of the serious public inconvenience and hardship felt by the introduction of Standard Time in the City, the Corporation are of opinion that Bombay Time should be reverted to (2) That the Commissioner be requested to put all Municipal clocks to Bombay Time with effect from 1st May 1906. (3) That the President be requested to communicate a copy of this Resolution to Government with reference to the correspondence with them on the subject (4) That the Resolution be communicated to the Chairman of the Public Meeting.

Speaking on this Motion Sir Pherozeshah remarked that the business which they had met to transact, related to a Petition which had been sent to this Corporation by the President of a Public Meeting which was held in the heart of the native town some time ago. Sir Bhalchandra Krishna presided over that Meeting and the following Resolution was passed :—

"*That for the reasons set forth in the Petition addressed to Government by over 15,000 signatories, this Meeting is still of opinion that it is a source of great inconvenience and hardship to the inhabitants of a city like Bombay with a population of nearly a million people to have Standard Time imposed upon it and they earnestly pray both the Government and the Municipal Corporation to return to local Bombay Time as was the case when Madras Time was in vogue for railway purposes. (2) That this Meeting earnestly invites all the leading citizens of Bombay, and especially the members of the Bombay Municipal Corporation, to give every help in their power to remove the great hardship from the shoulders of the vast majority of the inhabitants of this City. (3) That the Chairman be requested to forward copies of these Resolutions both to the Government and the Municipal Corporation.*

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signature as you have been kind enough to undertake the duties and responsibilities of President of that body and consented to represent it in its corporate capacity. I need hardly inform a gentleman of your extensive knowledge and experience of public affairs what are the exact duties and responsibilities of any gentleman who accepts the office of President of a Society. It is by no means a very rare occurrence that the President is unable to concur in every step and every resolution taken by the body which he represents. While accepting the general Policy, he may differ on various particular points from the majority of its members. But notwithstanding such difference he cannot, while continuing to represent that body, while still filling the position of its President, refuse in his representative capacity to authenticate its act, and resolutions properly and regularly proposed and passed. After this explanation I earnestly hope that you will be good enough to reconsider your decision not to sign these Petitions and that you will now return them to me properly authenticated by you in your official capacity. You will allow me with all due deference to submit that as you were the President of the Bombay Branch when these Petitions were adopted by them, you are not now at liberty to refuse to sign them as President and that you are bound in honour and duty to give them all due and proper effect and carry out the intentions of that body in respect of them. I shall be happy to call on you in person at any time most convenient to you if you happen to require any further explanations. It is of the utmost importance that the Petitions should go by to-morrow's mail.

An early answer therefore will greatly oblige.

I remain,
Dear Sir,
Your Obedient Servant,
PHEROZESHAH M. MEHTA
Honorary Secretary.

To

The Hon'ble Sir Jamsetjee Jejeebhoy Bart.

[*The Petitions were ultimately signed by the Hon. Sir Jamsetjee Jejeebhoy.*]

Sir Pherozeshah said that this Resolution asked for their assistance in a matter which the vast majority of the inhabitants of the city considered was a source of great hardship and inconvenience. The members would have observed from the Resolution that a memorial signed by 15,000 persons had also been sent to Government. It had been tried to be insinuated that this was a meeting to which much attention need not be paid and that it was a very small gathering. Sir Pherozeshah had made careful enquiry into the matter and he had had the fullest account from his friend Mr. Wacha. He learnt that the meeting was a very large one and the most representative citizens were present. In fact the public papers had admitted that it was a crowded meeting. There was another insinuation of a personal character. It had been said that he had got up the meeting for the purpose of bringing the matter again before the Corporation. That he totally denied. He would admit that on certain occasions he might have appeared to be obstinate, but in defence of that Sir Pherozeshah instanced one occasion where his perseverance had been of the greatest benefit to the city. He remembered the occasion when motions were brought forward for the purpose of devoting a surplus of 20 lacs of rupees accumulated with great difficulty towards the improvements of the condition of the houses in the city. He opposed that movement from the very beginning. But the Corporation was disposed to take an antagonistic view to his. He however persevered and succeeded in convincing them that it was wrong to do away with the surplus of 20 lacs which was ultimately found of great value to them in meeting the plague expenses. At first the majority of the members voted against him among whom was his friend the late Sir George Cotton. He was the leading opponent of Sir Pherozeshah's views but when Sir George was convinced that it was not right to do away with that large surplus, he not only concurred with the speaker but asked him to allow him to second his motion. That was the spirit of fair-mindedness. Sir Pherozeshah was convinced that the interests, welfare, sentiment and prejudice of the people required that the Corporation should take an active and prominent part in restoring to them Bombay Time. He hoped to lay before the Corporation reasons which he trusted would convince them why they would be doing right and consulting the best interests of the city by passing the Resolution of which he had given notice. He hoped to be able to show that the action, which he had been taking, was consonant with the past traditions of Government, was consonant with the principles of policy deliberately laid down by Government, had been approved by the Chamber of Commerce, and had the stamp of approval given to it by the great Paper of Asia,—the Times of India. It was because on the last two occasions he thought that the Corporation had not been fully aware of what had taken place in the past that they had allowed themselves to be led away in this matter. It was argued that it was a matter of convenience and they gave their votes accordingly. It was nothing of the sort. The question was not of that simple character. Sir Pherozeshah then referred to the time agitation of 1881 when the Government of India thought to introduce a uniform time into the great continent of India. Government on that occasion thought it would be sufficient if they consulted the Chamber of Commerce only. The people were of no

account: as to what they might have to say was not borne in mind. It was considered that the Chamber of Commerce represented every portion of the community. Upon the reply received—and as to this there was something to be said afterwards, because it was disclaimed by the Chamber of Commerce itself—the Government of India ordered that what was called Madras Time should be the official time for the city of Bombay. That time was not nearly so inconvenient as the time now sought to be introduced. It was only 30 minutes in advance of the Bombay Time. It was a figure which could be easily grasped. But how was the new time received. The whole city set its face against it. They said it was inconvenient to their habits and life and would have none of it. Attempts were then made to force it upon the people. Fortunately in those days there were stalwart men among the citizens of Bombay, both among the natives and among the Europeans, and the motion to introduce Madras Time did not succeed with the University Senate. Judges supported the old Bombay Time as well as most of the English members of the Senate. A year passed and what was the result? The Chamber of Commerce wrote to Government stating that after a year's trial the keeping of Madras Time in the city of Bombay was not acceptable to the people, and asked Government that Bombay Time should be reverted to in the Government offices. On 30th May 1883, Government replied that in directing from 1st December 1881 that Madras or Indian Mean Time should be kept, their object was to obviate the inconvenience arising from the keeping of two times—Local and Indian Mean Time. Government trusted that by consulting the Chamber of Commerce which had reported in favour of the change, the concurrence of the mercantile community of Bombay had been secured. As it was then clear that the public of Bombay were not prepared to follow the adoption of Indian Mean Time and preferred to adhere to the Local Time, Government felt that it would be consulting the public convenience by reverting to Local Time in the City and Island of Bombay and orders were accordingly issued to that effect. Sir Pherozeshah said he had drawn the attention of the Corporation in detail to this matter for two reasons. In the first place they would see that the object of Government was to promote convenience. Government found that the people did not accept it, and that was found to be a good and sufficient reason why they should revert to Local Time. His second object was to meet the objections which had been over and over again brought forward in the course of that discussion. It was said—"What is the use of going on in this way? Government will never retrace its steps. You will only be perpetrating the inconvenience of two times?" Sir Pherozeshah said he referred to that precedent to show that there was no reason why they should think that Government would be obstinate, prejudiced or unreasonable. He thought that when Government saw that the people of Bombay would not accept the new time, they would without the slightest hesitation retrace their steps in the matter and recall the orders which had been passed. Those people who had argued that Government would never reverse what they had done were doing an injustice to them.

He would now come to something more interesting and that was an article in the Times of India upon the former Resolution of Government. The article which

appeared on the 30th of May 1883 said that Sir James Fergusson, the Governor of Bombay, had done a very sensible thing in reverting to Local Time for all official purposes within the limits of the city of Bombay.' The article stated that there was a great deal to be said in favour of Indian Mean Time throughout the whole of India but the general public were decidedly against the innovation and had not become in the least reconciled to it. It was in consequence of the attitude of the people of Bombay that the article maintained that reverting to Local Time was a very sensible proceeding on the part of Government. As the Corporation would see, Government did not hesitate to revoke the orders, and the Times of India congratulated the Government upon the sensible action which they had taken. Referring to the Chamber of Commerce, Sir Pherozeshah said that a letter appeared in the Times of India the next day from a member of that body pointing out that the different Chambers of Commerce merely replied that if one uniform time were adopted by Government throughout the whole of India and if the general public could be got to follow suit, it would be of advantage. That letter, argued Sir Pherozeshah, laid down the condition that the people must be consulted. Then the following day, the Secretary of the Chamber of Commerce wrote saying that the letter sent to Government was not an absolute acceptance at all. Such was the history of the incident which took place some twenty years ago. Sir Pherozeshah stated that they could find no other instance in the whole world where it was proposed to have one time for so large a country as India. He then dealt with the meaning of Standard Time and said that five and a half hours east of Greenwich had been fixed on. Government never seemed to have taken into consideration that in fixing the number of hours in advance of Greenwich Time, they had also to consider not only India as one area, but also the large cities like Calcutta, Bombay and Karachi—whether their circumstances would enable them to come into the system of Standard Time by taking an arbitrary limit of five hours and a half. The new system of time was not of a scientific or practicable character at all. So far as he could make out the only one thing that was in favour of it was that it was convenient to the Railway travelling public. But it was worth knowing that the Standard Time was not suitable to the mercantile and the shipping communities. Now, let them see how the most strenuous advocates of the Standard Time—and he would cite, as an instance, their friend the Times of India—acted in connection with the matter. He did not know whether there were many subscribers there to the Times of India, but if they only looked at the calendar which it gave of the time and tide table at the head of the Local column, they would find that the hours given in the table were Bombay local solar time. ("Hear, hear.") That showed that the Times of India was not scientific. Sir Pherozeshah contended that Government itself recognised that large cities like Calcutta and Bombay stood upon a different footing as regarded Standard Time. It was conveniently forgotten by some people that Calcutta had not been pressed for Standard Time upto the present. This was due to the fact that public feeling in Calcutta was strong on the point. The Government dared not press Calcutta to adopt the new time. But poor Bombay had fallen on evil times. (Laughter). Sir Pherozeshah then referred to the opinion given by the Bombay Port

Trust and the Chamber of Commerce on the first instance against the Standard Time. With regard to the European opinion, he might say that he had a conversation with Sir Walter Hughes on the subject and he at once told Sir Pherozeshah that the Government were mistaken in trying to deal with a large and populous city like Bombay in the same way as they dealt with the mofussil. Bombay stood upon quite a different basis altogether because with its population of 10 lacs it could not be treated as if it were a portion of the mofussil. It was stated that Standard Time was convenient to the mofussil. But it must be remembered that in a large part of the mofussil there was not much difference of time between Standard Time and the local time there. In this connection he might say that their late Commissioner Mr. Harvey had recorded his opinion that while he saw no objection to Standard Time being introduced for the Railway and Telegraph services, the public feeling in Bombay was the same as it was 25 years ago. But despite the adverse opinion of the Port Trust and the Chamber of Commerce in the first instance, the Government persisted and then came the reversal of orders. The Port Trust were asked to reconsider their decision. Now the Port Trust was an official body and as soon as the Government asked them to reconsider the question, the official members—he must say he did not blame them—recanted their former opinion and voted for Standard Time. The Indian members of the Trust, however, all voted for Bombay Time, or at least did not vote for Standard Time. In a similar manner the Chamber of Commerce also changed its former opinion. Now it was not considered either scandalous or discreditable for those two important bodies to recant their opinions. If it was so, he asked, why should it be discreditable for the Corporation to recant their opinion? Then came the tremendous Resolution of the Bombay Government on the subject. It was a remarkable document, in that it treated the bodies who were against the Standard Time differently from the bodies which were in favour of it. As, for instance, it said not a word about the previous opinions of the Port Trust and the Chamber of Commerce although they had been connected to the Government. Again, the Government indicated the large preponderance of votes shown by the Chamber of Commerce in favour of Standard Time; but it did not give the number of votes recorded by the Corporation in favour of Standard time because the majority was of one only.

Sir Pherozeshah proceeding said:—

It is strange that after what had taken place in the eighties, the Government has not thought fit to consult the Native population or at least a large majority of the Native population. I frankly tell you—you might call it a matter of sentiment or of prejudice—that the one important argument which bears upon the subject is the integrity, the dignity and the independence of the City. It is not fair and proper that the population of this City should be driven like a flock of dumb cattle because the Chamber of Commerce and the Port Trust adopted Standard Time regardless of the special circumstances of the City of Bombay. This is one of the things which has influenced me in coming again to enter a strong protest against an action of this character—a measure adopted by Government without consulting the feelings and

sentiments of the people and without giving them an opportunity of expressing their opinion. Perhaps it is a matter of mere sentiment and prejudice, but I will always take a pride in standing up for the integrity, the dignity and the independence of the immense population of the City of Bombay. (Loud applause.) The Corporation is a representative body of the citizens of Bombay as we have been recently told by Their Royal Highnesses the Prince and Princess of Wales. The Corporation was created for the purpose of representing and looking after and watching and guarding the interests, the wishes and the sentiments of the whole population of the City. That is how the matter stands. I ask you to say whether it is or it is not in accordance with the best traditions of the Government itself and the principle and policy on which its Resolution of 1883 was based, namely, the concurrence of the people in the change that was proposed—and whether it is not in consonance even with the congratulations of the Times of India to the Government of Bombay on having taken a most sensible action in the matter—to proceed as we had done twenty years ago? I ask you whether it is not a sensible and right proceeding on the part of the representatives of the City in this Corporation that they should listen to the prayers of the public of Bombay and go to the Government and ask them to retrace their steps on this occasion as they did in the past and for the same reasons?

After having been speaking for one hour and seven minutes, Sir Pherozeshah resumed his seat. Several amendments were then proposed but they were all thrown out and Sir Pherozeshah's Proposition was carried, amid loud applause, by 31 votes against 22, and consequently the Municipal clocks were again put back to Bombay Time.

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After a lapse of a little over two years the question of Standard Time again came before the Corporation, for, at its meeting on 6 July 1908, Mr. F. C. Harrison proposed—

That the Corporation adopt Standard Time but request that the Commissioner will continue to regulate the Crawford Market and Victoria Gardens clocks by local time until otherwise requested by a Resolution of the Corporation.

Two Amendments were thereafter moved. The one by Dr. Temuljee B. Nariman was—

That the Corporation adopt Standard Time and that the Municipal Commissioner be requested to adjust all Municipal clocks to Standard Time.

The Hon. Sir Pherozeshah's Amendment ran as follows:—

That the debate on the question of the adoption of Standard Time be adjourned until H. E. the Governor-in-Council has dealt with the prayers made to him by the Public Meeting* held at Madhav Bag on 28th June 1908 in respect of the question.

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* In accordance with a Resolution passed at a Public Meeting held at Madhav Bag on 28th June 1908 the Hon. Mr. Goculdas K Parekh presiding, it was resolved that the President be requested to make a respectful appeal to Government that they should restore Local Time and thereby remove an unnecessary cause of irritation and discontent.

In support of his Amendment Sir Pherozeshah said that the question for which they had been fighting in the Corporation for the last two years was not what time the individual members of the Corporation kept, but the question was, were not the people of Bombay as a body in favour of Bombay Time? And were not their feelings, sentiments and prejudices so set against the Standard Time that though two years had elapsed, since the Government had forced that time on them, they still resisted it. That was a phenomenon which they had got to understand. Mr. Harrison told them the history of how the Hindu observed the time. However logically one might dissect these things, one must know that when the sentiments and prejudices were concerned, the people did not look to the logic or to the historical origin of those things, but they were guided by the present state of affairs. Something was said about the progressive and enlightened city of Bombay, but they knew from experience that even in the most civilised countries of the world, people were obliged to endure the prejudices of the masses rather than adopt what was scientifically and logically right. Take for instance the question of weights and measures. How was it that while other civilised countries had introduced the scientific system of weights and measures it was found impossible to introduce it in England? Sir Harkisandas and Dr. Temuljee said airily that the masses did not care what time was adopted but Sir Pherozeshah asked them whether they really meant what they said. He asked the Corporation to wait and see what was the effect of the people's representation, made at the Public Meeting the other day, to His Excellency the Governor. He had in his hand a letter from the Private Secretary to His Excellency in which it was stated that the matter was under the careful consideration of the Governor. If the supporters of the Standard Time were fair-minded as they represented themselves to be, why should they not wait till that reply was received? He could not see what possible objection the Corporation could have to that procedure. On the former occasion when that question was before the Corporation, an argument was brought forward that the speaker had made it a personal question and that he wanted to impose his own will upon the Corporation. That argument was used when the citizens of Bombay had not declared their views in the emphatic manner in which they had done now. Sir Pherozeshah denied it was a personal question. He had taken up the question for the purpose of showing that however ignorant and prejudiced the people might be, it was not right and proper to drive them to adopt a measure against their wishes. He frankly confessed—he should like to say as little as possible on an occasion of that character but he could not help saying—that he deplored grievously that the present time should have been taken by Mr. Harrison to agitate the question. That was a time when sober, thoughtful and discreet men of all races and creeds and of all shades of opinion should have put together their heads to promote peace and harmony. That was not the time for adopting the policy of pin-pricking. Why should they pin-prick the people when the people did not want that change?

Coming to the question whether Standard Time was the proper time to keep, Sir Pherozeshah said that that time had not been approved of by the Royal Society and challenged Mr. Harrison to say whether in any country in the world Standard Time

had been introduced in such large areas as was done in India. Had even America dreamt of introducing Standard Time except in restricted areas? The idea was not only unscientific but monstrous that the whole continent of India should be reduced to adopt one uniform time. With regard to Calcutta, Sir Pherozeshah averred that the Marwari Association was against Standard Time. Mr. Harrison had utterly failed to understand the significance of Calcutta not adopting Standard Time. Calcutta was the seat of the Government of India; Calcutta was a place where there was by far a larger body of Europeans than anywhere else in India. How was it that they were going on contentedly there and even the Government House there kept the Local Time? Unfortunately Mr. Harrison could not feel that interest which Sir Pherozeshah himself felt in the welfare of Bombay and he did not like to see Bombay which was considered to be the first city in India, indirectly obliged to do what the Government themselves had not been able to carry out in the city of Calcutta, the seat of the Government and the Viceroy.

Sir Pherozeshah then proceeded to deal with the circumstances in which the Bombay Chamber of Commerce and the Port Trust accepted the Standard Time and the opinions expressed against it by the Hon. Sir Walter Hughes and the Hon. Mr. Harvey, the late Municipal Commissioner. He next referred to the introduction of Madras Time in Bombay some years ago, its subsequent withdrawal and the satisfaction expressed at the time by the Times of India at the Resolution of the Bombay Government reverting to the Local Time.

Sir Pherozeshah then moved his Amendment. Mr. J. A. Wadia said he did not think there was any use waiting for the reply of Government.

Mr. J. Macdonald:—I ask Sir Pherozeshah if he will abide by the decision of the Government.

Sir Pherozeshah:—There will be no other help but to do so. That will be the last decision of the Government of Bombay on the subject.

Mr. Macdonald:—I should like to have a definite answer whether you agree that you will stand by that decision.

Sir Pherozeshah:—Yes, I have given it as my personal view that if the Government still adheres to its Resolution there is no help for the Corporation.

Mr. Harrison's Proposition and Dr. Temuljee's Amendment were then thrown out and that of Sir Pherozeshah was carried.

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The following letter over the signature of Sir Pherozeshah appeared in the Times of India of 15 July 1908.

To the Editor of the Times of India,

Sir,—On returning this morning from Kathiawar for which place I had left the previous Monday, I find that I have been reported in respect of the debate on Standard

Time in the Corporation to have given all sorts of undertakings, promises and assurances as to what I should do if the reply of Government to the representation of the Madhav Bag Meeting were unfavourable. It is reported that in that case I would vote in favour of Standard Time and that I would offer no opposition to it. As a matter of fact I did not say a word to that effect. To Mr. Macdonald's first question I distinctly and emphatically replied that it was impossible for me to give any such undertaking or assurance as he asked for. The only thing that could give the least colour to the misconception of my attitude on the subject was that in reply to his second attempt I said that my opinion was that if the decision of Government was unfavourable, it would be a means of indirectly coercing or driving people into Standard Time. I made this remark in reference to what I had said in my speech in reply to what Mr. Harrison had urged as to the absence of compulsion in the use of Standard Time by those who did not care to accept it. I had pointed out at some length in my speech that compulsion might be indirect and moral as well as direct, and I had protested against the attempts to drive the native public into acceptance of Standard Time by indirect measures of compulsion. My reply to Mr. Macdonald's second question would not have been misunderstood if it had been remembered that it was in reference to what I had previously urged in my speech about compulsion.

It has also been insinuated that I brought forward my Amendment to escape defeat. The statement is absolutely incorrect. I believe that Mr. Harrison's Motion would have been lost by 3 to 4 votes and Dr. Temuljee's by a much larger majority. In moving my Amendment, however, the consideration uppermost in my mind was an anxious desire to prevent what I had reason to fear might turn out to be a bitter and acrimonious discussion at a time like the present. It was this which I urged in the beginning, the middle and the end of my speech. It was this consideration which ultimately prevailed even with Mr. Harrison in accepting my Amendment. I scarcely heard any of his remarks in that behalf except when he said that he fully recognised that the present was an unsuitable time for such a debate. When he made this admission I turned to Councillors sitting behind me to express my great satisfaction that Mr. Harrison had at length seen what I was anxiously aiming it.

I should like to add one word about the argument that I practically gave up my case when I asked the Corporation to await the decision of Government, because as Government had introduced Standard Time they were sure to decide again in its favour. It seems to me that such an argument does injustice to Government. I have a robuster confidence in their statesmanship at this juncture. In 1883 it was Government which had insisted on introducing Madras Time in the city; they wisely—and as the Times of India put it—sensibly abandoned it when they found after a year's trial that it was unsuited to its inhabitants.

July 13. PHEROZESHAH M. MEHTA.

BOMBAY MUNICIPAL CORPORATION.

WOMEN AS MUNICIPAL COUNCILLORS.

At the Meeting of the Bombay Corporation held on 21st June 1906, further consideration was given to the following Motion proposed by Mr. Jaffer Rahimtoola at the Meeting of the Corporation held on 1st May 1906 :—That the President be requested to move Government to legislate for the abolition of the disqualification for election or appointment and for being a councillor, covered by Section 16 of the Municipal Act which is to the effect that—' a person shall be disqualified for being elected or appointed and for being a Councillor if such person is of the female sex.'

Several members having spoken for and against the Motion, the Hon. Sir Pherozeshah said—

Mr. President,—I regret to say that I think that this Proposition, which has been so indiscreetly brought before the Meeting, is not a practical one and will serve no useful purpose. I confess that last time when Mr. Jaffer was addressing us on the subject, I said to myself that it would be very unsafe to speak in public on a matter of that character. The members must have surely read what took place recently in England with regard to women's suffrage. I had hoped that this afternoon the Corporation Hall would be filled with women waving flags and vehemently urging their rights. But no such sight is presented to us—no lady present, no flag displayed, no enthusiasm shown. I have been saying to myself that discretion was the better part of valour, for, in the event of there being any such display, if they indulged in a talk, it would have been one which we would have remembered all our life. For, are we not familiar with the reports of the gathering of the advocates of women's suffrage that besieged Mr. Asquith* the other day in England and made such an unbecoming demonstration? The physical, moral and intellectual attainments of those ladies are such as would frighten anybody who holds views opposite to their election. But apart from that I ask Mr. Jaffer whether the Proposition he has brought is a practical one. If the ladies themselves had come forward and said that they were desirous to co-operate with us in civic work, then, in that case I would have given my best attention to their proposal. But the very fact that ladies themselves are not desirous of taking part in our deliberations, ought to prevent the Corporation from considering and discussing the matter. It is not a question of man being superior to woman, or woman being superior to man, but, as it is, the guiding principle in human life is the division of labour. By the process of division of labour, work is done expeditiously and economically. Women possess certain talents and certain abilities which can be better employed in certain directions whereas men employ their abilities in directions best suited to their province. It is not therefore a question of superiority or inferiority, of capability or incapability, but

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* The Prime Minister.

the point lies in the fact whether woman should encroach upon the province of man or confine herself within her own sphere of activity. In certain matters women are better qualified and better placed than men. The functions of men and the functions of women are quite distinct. It is in consonance with human nature, human life and human activity that the division of labour is founded. Will Mr. Jaffer undertake that by the inclusion of female Corporators amongst us, our minds will not be distracted from our work? Can he give us that assurance? I am not sure that the attention of the seventy-two Corporators will not be diverted by the presence of ladies at our meetings. If any member took too much time in talking, we compared him with a woman. Of late we have succeeded in reducing the amount of talk that used to take place at one time in the Corporation. Would it be possible to do so with success in the case of women? Is it in our power to compel a woman to cut short her remarks should she take it into her head to make a long, continuous speech? I do not think that our President will undertake to stop a woman who has once commenced to speak. Is it possible for us to frown upon a lady and if unfortunately we did not frown, we must rest assured that we would have to regret it all our life. Nature has cast us in a different mould and to a certain extent formed us in a different way. Men and women both possess great talents to suit their different environments. Women have to do their work *in* their homes and men, to a great extent, *outside* their homes. When the Act of 1872 was passed the disability of females did not go unnoticed and it was after a deliberate and mature consideration that a bar was put upon their election. It has been argued that the University admit women as Fellows but we must remember that the Senate is a calm Academic body and that therefore they might be allowed to have a right in the deliberations of that body. But it is not possible for them to take part in civic affairs. The rough and tumble sort of way which men follow does not sit well upon the gentler sex. There is overwhelming argument that there is no reason to reverse the deliberate decision which the legislators had come to when framing the Act. I was once charged by Dr. Master that I did not know anything about what happened in Bombay. It was possible, therefore, although it has not come to my ears, that the Zenana ladies of Bombay might have met at a conclave, where Mr. Jaffer might have had the privilege of being present, and authorised him, on their behalf, to plead the cause of women members in the Corporation. I do not think any Parsi or Hindu ladies have held such a gathering, for, in the latter case, my friend Mr. Padhye would surely have given publicity to it. Mr. Jaffer has not so far furnished us with any solid argument which might be urged for the inclusion of females in this Corporation. If he convince me by sound reasoning that the presence of ladies amongst us would lead to the better transaction of business and add to the harmony prevailing at present, I would readily change my mind and vote for his Proposition. But as matters stand now, I am sorry I cannot subscribe to his opinion and will therefore vote against the Motion.

The Proposition was put to the vote and lost 9 voting for and 41 against it.

TYABJI, BONNERJEE AND BOSE.

PUBLIC MEETING IN BOMBAY.

Under the auspices of the Bombay Presidency Association, a Public Meeting was held in Bombay on 10th October 1906 to pass a Resolution of Condolence on the sad deaths of the Hon. Mr. Justice Budrudin Tyabji, Mr. W. C. Bonnerjee and Mr. A. M. Bose. The Hon. Sir Pherozeshah, who presided, in opening the proceedings, made the following speech.

Gentlemen,—We have assembled here this afternoon to perform the very melancholy duty of recording our deep sense of the heavy loss sustained by this country in the deaths of three of her noblest sons,—Budrudin, Bonnerjee and Bose. The great services of these great Indians would be recounted to you by the gentlemen into whose hands a proposition for that purpose has been placed. I for one can only give you one or two personal recollections of these great men. With regard to Mr. Bose perhaps the Bombay public is not so familiar with him and his achievements as with the other two. Some of us who had the privilege of hearing an address given by Mr. Bose in Bombay some years ago,* could not but have recognised that he was indeed a man of great gifts and accomplishments—a man of great heart and mind—who loved his country devotedly and who worked arduously, zealously and enthusiastically for our social, political and educational advancement. ("Hear, hear.") I had since met Mr. Bose on many occasions and had found that there was nothing wonderful that all his countrymen in Bengal looked upon him not only as a patriot but as a *saintly* patriot. But with regard to Mr. Budrudin and Mr. Bonnerjee, they were to me life-long friends, and close and intimate as their friendship was, it remained unbroken without a hitch or a disturbance upto the dates of their deaths. These two gentlemen and myself were in England studying at the Bar at the same time in the sixties and I could myself observe that the foundation of the greatness of my two friends was laid during the arduous studies which they underwent in England. Perhaps Mr. Budrudin did not take so active a part in public affairs at the young age as did Mr. Bonnerjee who was instrumental with our old and revered friend and patriot Mr. Dadabhai Naoroji—(Cheers)—in starting the London Indian Society which afterwards developed into the East India Association. There he showed rare promise of the public spirit which afterwards developed to such an extent as we all know in the course of a career of well-nigh half a century. Mr. Budrudin came out to India before me and took his place at the Bombay Bar which he adorned afterwards in a manner with which we are all familiar and at which he was shortly joined by the late lamented Mr. Telang and myself. It was that close intimacy which association at the Bar had engendered, that discovered for us that with regard to all public affairs we really entertained convictions and sympathies almost of the same character. There we laid the foundation of the convictions which have ever since lasted all our public lives. I thank God that in those days I was associated with

* On 3rd September 1903

such a Hindu as Mr. Telang or with another such Hindu as Mr. Bonnerjee and with such a Mahomedan as Mr. Tyabji because it was in our association with each other as Hindu, Mahomedan and Parsi, that I came to recognise that, however good Parsis, Hindus and Mahomedans we might determine to be, there was a higher plane of life in which we ought to forget all our differences and distinctions of caste, of creed and of religion. We came to work together for the people, not as Hindus, Mahomedans and Parsis but as soldiers in the public cause, standing side by side, doing our best to further, according to our lights, the interests, the development and the welfare of the common country to which we belonged and which we loved. (Applause.) When in 1884 Mr. Telang and myself made up our minds that the Presidency required a political association of an active character, it was to Mr. Budrudin we applied as the representative of the third community to which he belonged, to join us in establishing and organising it. Mr. Budrudin had no hesitation, though at that time he had begun to lay the foundation of a large practice, in placing himself into our hands and joining the Association. He began his political career as Chairman of the Council of the Bombay Presidency Association. I am not in a position to recount the various services rendered by Mr. Budrudin by his sound temperate advice, which was always at our disposal, during all the public events—some of which were of a very momentous character. Many of you present, gentlemen, might still remember the remarkable fluency of language with which he pleaded the cause of the country as President of the 3rd Indian National Congress at Madras, and the persuasive logic which found its way into the hearts and minds of his hearers. It was with the greatest pleasure and sympathy that he undertook the Presidentship of that Congress and how well he acquitted himself on that occasion is known to all who have taken the trouble of reading the records of its proceedings. The words of wisdom which he then spoke might be read with benefit and advantage by every Hindu, Mussulman and Parsi upto the present day. I think people cannot do better than peruse the wise and sagacious advice Mr. Budrudin gave on that great occasion. How firmly he adhered to the convictions with which he and I started our public lives would be evinced by the fact that in spite of all that was said against the Congress and despite the circumstances that he had been raised to the Bench of the High Court, while speaking at the Mahomedan Educational Conference, he said frankly, independently and enthusiastically that his views about the Congress had remained absolutely unchanged. (Applause.) As I have frequently said, by becoming a common citizen of this great Empire, it is not necessary that one should cease to be an active and useful member of the community to which one might belong and well did Mr. Budrudin exemplify this in the great interest he took in the advancement of education in the Mahomedan community. He rendered most invaluable services that could be rendered to his own co-religionists by establishing in Bombay the Anjuman-i-Islam and the schools under it.

As for Mr. Bonnerjee, he was a man of the highest professional reputation. He became almost the leading member of the Calcutta Bar but his services to the coun-

try were as strenuous, as well-directed and as sagacious as of any Indian patriot who had devoted himself to the advancement of the interests of this country. He was one of the founders and the first President of the Indian National Congress, and whether he subsequently attended its sittings or not, it was thoroughly recognised, by all interested in its cause, that his active advice, his sagacious help, and even his pocket were always at the service of anything that was required for the purpose of advancing and encouraging the political and educational interests of this country. (Applause.)

It is, gentlemen, our highest sense of appreciation of the disinterested services of such great Indian political leaders that we have assembled here this evening to record. The loss to this country, in such a short space of time, of those great stalwarts, is indeed a heavy one. They have, alas! passed away, but the work they have done and the noble example they have set will remain for ever as a signpost for future generations—a signpost that will show them the way to work conscientiously unselfishly and with a certain amount of self-sacrifice for the welfare, the progress and for the political advancement of their mother country. (Loud applause.)

THE GAEKWAR OF BARODA.

HIS SILVER JUBILEE.

A Meeting of the friends and admirers of H. H. Sir Syajee Rao, Gackwar of Baroda, was held in Bombay on 7th March 1907, to offer to His Highness cordial congratulation on the celebration of the Silver Jubilee of his administration and to associate themselves with a permanent memorial in commemoration of the event. The Hon. Sir Phiroseshah, who presided, spoke as follows.

Gentlemen,—I suppose you are all aware of the object for which we have assembled here this afternoon. It is for the purpose of joining in the celebration of the Silver Jubilee of His Highness Maharajah Sir Syajee Rao, Gaekwar of Baroda. (Applause.) In opening the proceedings, I do not think it is necessary for me to speak at length as the gentlemen who are in charge of subsequent Resolutions will place before you the reasons which have induced them to join in this Meeting. What I myself would like to say is that the verdict of the whole country is that in the present Maharajah we have the ablest and the greatest of the ruling Chiefs in India. Gentlemen, it is not difficult to understand why the country has pronounced that verdict. In the twenty-five years that have elapsed, it is significant that this recognition of his ability has been accorded on all hands; we have seen and appreciated how well, how honestly and how conscientiously during this period he has performed his duties as a ruling Chief; we have seen and appreciated the way the Maharajah fulfilled his responsibilities by recognising the fact that the ruling power was given to him as a solemn trust for the purpose of promoting the prosperity, the advancement and the enlightenment of his people and of the State over which he

was placed. He was not content by simply doing a thing which raised his own dignity as a native Prince but he had always the welfare and the progress of his subjects at heart. In this commendable spirit, gentlemen, he approached the responsible task imposed on him at his installation to the *gadi*, endowed and fitted as he was with talents, qualities, abilities and accomplishments with which to fulfil this high trust. Gentlemen, some time ago some little criticism was levelled at him, some fault was laid at his door, simply because he often left India for Europe. But, gentlemen, such criticism failed to recognise one salient point in His Highness's persistent endeavours, namely, that he had never flinched nor failed to seek, far and near, for able men, best qualified for conscientiously discharging the responsible task of administering the affairs of his State. He has in his service officials of the highest qualifications, the highest abilities and of the highest integrity that India can produce. With such able men at the head of the various important departments of the State, the administration of Baroda, during his absence, was bound to be carried on in as efficient and satisfactory a manner as could be desired. Parsees and Hindus, Mahomedans and Christians, irrespective of caste and creed, have been admitted with broad-mindedness into his administration including well-known and distinguished Indians like my friend Mr. Romesh Chunder Dutt and Dewans from Madras and elsewhere. Beyond all this, is it not a great gain to go out of India whenever an occasion occurred and look out for oneself the excellencies of other governments and the way how various enlightened countries in the world are administered? And who can say that the Maharajah has not derived most precious and important experience by his visits to Europe and America? The addresses that His Highness gave in the different parts of India are an ample proof, if a proof were wanted, of the immense knowledge in state administration the Maharajah has derived by these visits. We have also seen how his refined ideas about the government of his State have been given shape in his own domain during the last twenty-five years. No small portion of his successful administration was due to his constant search after knowledge in every direction wherever he went. He has made a close study of the different problems involved in the agricultural and industrial developments and is a good deal ahead of other states in the social reform. He has adopted ways and means of the people of other parts of the world which he from personal inquiries thought were the proper and most suitable to follow. It is by itself a great gain to him, to his people and to his State, for the Maharajah to go and rub shoulders with the people in Europe and America who know best about efficient systems of government. Similarly from these visits immense benefits accrued, immense knowledge in the ways and the art of Government was acquired from persons who were in a position to afford such knowledge. His excellence of administration might therefore be ascribed to his sagacious and zealous search after knowledge and to his taking the pains to go to the spot and take it. For full two decades and a half not only has His Highness earnestly striven for the good of his own subjects and of his State, not only was he instrumental in raising the status of the native Princes in India but he has for that long period continued his arduous efforts to raise the status of the Indian peoples

as well by which he has proved to the world that the art of good government and efficient administration has not gone out of the Indian intellect as it was somewhat erroneously supposed it had. His Highness has also shown that with proper opportunities the Indian Princes are capable of rising to the greatest emergencies and to the highest duties and responsibilities of state administration. His zeal for the promotion of the industrial and social welfare of this country has been frequently and unmistakably evinced in different places. By his personal conduct and by his personal example he has given marks of his sympathy for the advancement of India in this matter. In honour of such a remarkable, illustrious as well as enlightened ruler we have assembled here this afternoon and I trust all present at this Meeting would join me with united hearts in wishing happiness, long life and prosperity to him and to his House, not only for his own glory but for the benefit and advancement of the people over whom he rules. (Loud applause.)

BOMBAY LEGISLATIVE COUNCIL.

A BILL FURTHER TO AMEND THE BOMBAY TRAMWAYS ACT— SIR PHEROZESHAH'S STRONG PROTEST.

At the Meeting of the Bombay Legislative Council held in Bombay on 16th March 1907 the Hon. Mr. Fulton proposed that Rule 23 of the Standing Orders be suspended under Rule 49 to permit him to move a very short Bill amending two sections of the Bombay Tramways Act of 1874, as it had been impossible to give the customary fifteen days' notice. H. E. the President, Lord Lamington, then suspended the Standing Orders and the Hon. Mr. Fulton rose to move the first reading of the Bill and in doing so said :—The matter is one of urgency . . . . and if none of the honourable members object I shall ask Your Excellency still further to suspend the Standing Orders so as to allow the Bill to be read a second and third time at this meeting and passed.*

The Hon. Sir Pherozeshah thereupon spoke as follows :—

Your Excellency,—It is most unfortunate that this Bill has been brought forward without the slightest notice being given to the Corporation. When I lay before the Council all the facts connected with this question, I think it will be admitted that it is very necessary that the Corporation should have an opportunity of expressing their opinion on it. The Hon. Mr. Fulton has read to us Mr. Rimington's† letter and a memorandum of the Municipal Commissioner. Now the Corporation has never been informed of what had been stated in the said memorandum. The matter has not been brought before the Corporation. In a great undertaking like the

* Section 6, paragraph 2, of this Act provided that "no carriage used on any tramway authorised under this Act shall extend beyond the outer edge of the wheels of such carriage more than 14 inches on each side." Section 9 of the same Act laid down that "the maximum rate of speed on the said tramway shall be 8 miles per hour." It was now proposed to delete the above-cited words from these sections.

† The Managing Director, The Bombay Electric Supply and Tramway Company, Limited.

Tramway Company's contract the Corporation should, in connection with all important points like those involved in this Bill, have the fullest opportunity of giving their opinions and to state what experience they have had in the matter which would enable the Council to judge properly on those points. The Hon. Mr. Fulton is perhaps not aware that a Committee of the Corporation has been sitting to consider all questions arising in connection with the Tramways and this Committee has had to deal with various questions relating to the width of the roads and concessions to be made to the Tramway Company for the purposes of running the cars in streets which had been acknowledged necessary to be widened before they would be allowed to lay single lines and in some places double lines. It is most important that the city should not have lines running in streets which are not wide enough to have traffic of this character; but the Corporation have done their best to make all reasonable concessions which could be granted to the Company in order to enable them to run through various parts of the city which otherwise it would have been impossible for them to do. In dealing with these concessions the Committee of the Corporation considered very carefully what was the width of the carriages and over-lapping portion beyond the rails. It was on the basis that such over-lapping portions were 14 inches that we granted many concessions with regard to streets that were not otherwise wide enough for the purpose. This is a serious question and the Corporation having made concessions upon that basis and that basis only, I strongly submit to Your Excellency that the Corporation should have an opportunity of saying what they wish to say upon the changes now proposed. Mr. Rimington proposes to have no limit whatever and to leave it to the discretion of the Commissioner from time to time to say what should be the over-lapping area. It seems to me this would be a procedure of the most unsafe character. Commissioners come and Commissioners go. Some stay for a few months and others longer. They are not permanent officials bound to continue for any specific length of time and the experience which one might bring to bear upon the question might not be of a character sufficient to justify his being entrusted with the power of exercising his discretion on a question of this magnitude. A Commissioner might come who would say "let it be 18 inches over-lapping" and another would say "there is no harm in 20." To this it may be answered that the word "Commissioner" under the Tramways Act really represents the Corporation. But it is an open question whether the "Commissioner" there is only the mouth-piece of the Corporation or has the power of exercising his own discretion. The Corporation has always claimed that the Municipal Commissioner in these contracts is only the mouth-piece of the Corporation. But it cannot be concealed that the contention has been raised whether the powers given and discretion vested in him are given and vested only as the mouth-piece of the Corporation or whether he can act upon his own independent authority. True the Corporation has power by a majority of three-fourths to pass a vote of censure upon the Commissioner and thereby remove him. This is, however, an absolutely impracticable thing to do under ordinary circumstances. I have never known such a case to arise but the possibility can always be contemplated of a Commissioner taking it into his head and saying "Power

and discretion are entirely given to me and I will do what I like without reference to the Corporation." The city would in such an event be placed in a difficult position. I appeal to Your Excellency to refer this matter to the Corporation for their consideration. The Corporation in their relations with the Tramway Company have tried to do their best in the interests of the city and to meet the requirements of the Company as generously as possible. I can speak from personal experience, for I am Chairman of the Committee which for three years has been dealing with questions arising out of the Tramways. I say emphatically that the Corporation have dealt in the most reasonable manner with the Company, having in view the necessity for the expansion of the city and the facilities that ought to be given to the travelling public. We have not stood upon technicalities or objections of a trifling character and we have tried to meet the wishes of the Company in a very fair and generous spirit. Under these circumstances, I think it is due to the Corporation that this matter should not have been brought before Government before the Corporation had had their say on the matter.

I venture to think that Mr. Rimington should have sent to the Corporation a copy of the letter addressed by him to Government and stated that this application was being made and the Commissioner should also have sent to the Corporation a copy of his memorandum and then the Corporation could have taken the necessary action. Of course it will be said that the Corporation can still approach Government with their views but I ask honourable members of Council to remember how difficult the situation becomes when once Government have definitely committed themselves to a proposal by embodying it in a Bill. I desire to cast no reflection upon the members of Government, but I am only speaking of human nature as it is. Having once been committed to certain lines it is very difficult to effect an alteration. My experience of this Council has been that Your Excellency and Members of Government are always ready to listen to our representations in the most generous manner, but I do think in this matter that it is unfair—if I may use the word—to the Corporation, that this should not have been sent to the Corporation before the Bill was formulated. The plea of urgency has been introduced, but there would have been no urgency if the Tramway Company had carried out that which they undertook to do within a certain time. There have been bitter complaints about the delay in the work, and having delayed the matter themselves they now urge the plea of urgency. I ask that the matter may be referred to the Corporation in view of the circumstances which I have stated.

The Hon. Mr. Fulton :—After hearing the remarks of the Hon. Sir Pherozeshah, I have not the slightest objection to referring the Bill to the Corporation. We were not aware that it was at all contentious. We propose to hold another meeting about the middle of April and perhaps the Corporation can let us have their opinion by that time.

The Hon. Sir Pherozeshah :—We will try to deal with the matter without loss of time. The Corporation will consult the wishes of Government in this matter

The Hon. Mr. Fulton :—The Government have no strong wishes on the point except to further the general convenience of the people of Bombay. I move that the Bill be read a first time.

The Hon. Sir Pherozeshah :—Certainly. I do not object to that.

H. E. the President then moved that the Bill be read a first time. The Motion was carried and the Bill was read a first time.

The Hon. Sir Pherozeshah :—Perhaps it would be best not to appoint a Select Committee just at present, if the Bill is coming on in April.

H. E. the President :—Yes, until we receive an opinion from the Corporation there is no use in appointing a Select Committee.

The Hon. Mr. Fulton agreed to the course proposed.

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At the Meeting of the Bombay Legislative Council held in Bombay on 18th April 1907 under the presidency of the Hon. Mr. Fulton, Sir Pherozeshah moved that the second reading of the Bill further to amend the Bombay Tramways Act be adjourned to the next Meeting of the Council in June. He said that circumstances had so taken place that it had been absolutely impossible for the Bombay Corporation to deal with the matter.

The Hon. the President :—That is another way of not allowing the electric trams to run.

The Hon. Sir Pherozeshah :— I am sure the tramways will then be in the same position as they are at the present moment.

The Hon. the President :—I understand that the electric trams are meant to be run in May, if there is no legal difficulty in the way.

The Hon. Sir Pherozeshah :—That is in the papers. But I have been reading in the papers statements of that character for the last six months.....

The Hon. the President:—What you mean to do at present is to move that the matter be adjourned to the next Meeting of the Council ?

The Hon. Sir Pherozeshah :—And that in the meantime a Select Committee may be appointed. There is a good deal of matter to be placed before a Select Committee.

After further discussion the Hon. the President put the Motion for adjournment to the vote and declared it lost.

The Hon. Sir Pherozeshah asked for a division. The Council divided, there were 7 for and 10 against the Motion which was therefore lost.

The Hon. Sir Pherozeshah :—I enter my strong protest against the way in which this matter has been dealt with in the Council. I came on the distinct understanding that if the Corporation were not able to move, the matter was to be held over till the June meeting. I accordingly sent no notice of amendment.

The Hon. Mr. Fulton then moved the second reading of this Bill and inquired whether any gentleman wished to say anything about it.

The Hon. Sir Pherozeshah :—I have a good deal I could say, but I would fain spare the Council if I know what the wishes of Government are in regard to adding the words " without the consent of the Corporation " at the end of section 6. I could go into the history of the question, if necessary. We are anxious to promote the convenience of the public—is a term which can be considered in two ways. In promoting their convenience for two months we might be doing harm to them for future years. Will Government agree to the insertion of the words " without the consent of the Corporation " in section 6 ?

The Hon. the President :—Why not add the words to section 6 ?

The Hon. Sir Pherozeshah :—Yes, that would not complicate matters.

The Hon. the President :—The Commissioner has not submitted to the Corporation his sanction in this particular instance.

The Hon. Sir Pherozeshah :—That is what I have been surprised at and it is the more important because the Tramway Company have never complained that we have not treated them with great consideration. I will appeal to the Hon. Mr. Dunn, who is on the Committee, and who knows exactly what has been done, whether we have not always treated them most reasonably.

The Hon. Mr. Dunn :—I can substantiate that. The Committee have always been most anxious to meet the Tramway Company in every possible way. We have always met them in a most sympathetic spirit.

After further discussion the Bill was read a second time.

The Hon. Sir Pherozeshah :—I propose as an amendment that the words " without the consent of the said Corporation " be added to section 6 of the Tramways Act of 1874.

The Hon. Mr. V. D. Thackersey seconded the amendment. Several honourable members having spoken, the Hon. the Advocate-General moved that instead of the words " without the sanction of the Municipal Corporation " the words " without the sanction of the Municipal Commissioner " be inserted.

The Hon. Mr. Cameron supported this amendment.

The Hon. Sir Pherozeshah :—.....As regards the point made by the Hon. Mr. Rahimtoola and the Hon. Mr. Cameron about the powers given to the Municipal Commissioner in the Act and in the concession, I may say that powers with regard to certain details of administrative action have been given to the Commissioner, though ultimately he has to come to the Corporation for sanction. The concession does also give powers straight to the Corporation leaving aside the Commissioner for various reasons. As for instance, in the matter of taking tolls, fares, etc., the Company has to obtain the approval of the Corporation, and the Commissioner has got nothing to

do with it. Then again the Corporation only has the power to make special arrangements for the use of tramway lines for Municipal purposes. But the most important part of the objection is founded upon a clause in the concession, which has been taken from the Act and which provides that the public have every right to use the roads made by the Tramway Company. Article 6 of the concession lays down that nothing shall take away the right of the public to pass across any part of the road over which a tram line is laid. The great risk lies not on the outer sides of the terminus, but on the double tracks—on the space between the two lines. If that space is very narrow and is encroached upon even by inches it affects the safety of the public. I may say it is necessary to put in the words "Municipal Corporation" in the section. Ultimately the Corporation passes everything, and in either case the Commissioner cannot set aside a resolution of the Corporation. I submit that when we are laying down a matter of this sort, it is right that the power should be given to the Corporation.

On a vote being taken the Hon. the Advocate-General's Amendment was lost and the Hon. Sir Pherozeshah's was put to the vote and carried.

The Bill was eventually read a third time and passed.

BOMBAY LEGISLATIVE COUNCIL.

FAREWELL TO THE HON. MR. E. M. H. FULTON, C. S. I.

At the Meeting of the Bombay Legislative Council held on 18th April 1907, the Hon. Sir Pherozeshah spoke as follows at the end of the session.

Before the Council adjourns I should like to express our deep regret that we are so soon parting with the Hon. Mr. Fulton. Throughout your tenure of office, Sir, you have ever shown the greatest courtesy and consideration to everyone in the transaction of the business of this Council. I have had the pleasure of serving under you as Chairman on several Committees and never was Chairman more anxious to give a reasonable hearing to one side and the other. Speaking both for myself and for those of my colleagues who have served on Select Committees, I can say that we are deeply grateful to you for the uniform kindness and courtesy which you have ever displayed. One matter in regard to which we are all especially grateful to you is for your sustained and active interest in the cause of buildings for primary schools in this city. The question had been before the public a long time before your arrival in Bombay and the interest with which you took up the question, contributed in an enormous degree to the solution which was ultimately arrived at, and which brought good healthy buildings for the primary schools in Bombay within practicable sight. On behalf of myself and the Council I wish to say how deeply we regret having to part with you and I tender to you our best thanks for the interest you have taken in the public matters of the Bombay Presidency. (Applause.)

The Hon. Mr. Fulton having replied the Council was adjourned sine die.

BOMBAY LEGISLATIVE COUNCIL.

THE BOMBAY BUDGET OF 1907-1908.

CRUSHING REPLY TO HON. MR. LOGAN'S INSINUATIONS.

At the Meeting of the Bombay Legislative Council held in Poona on 22nd June 1907, the Hon. Mr. Muir Mackenzie introduced the Financial Statement of the Government of Bombay for the year 1907-1908 when the Hon. Mr. Pherozeshah Mehta made the following speech.

Your Excellency,—I rise to offer a few observations on the Budget under circumstances which, I am sure, my honourable colleagues will admit, can well claim and deserve their commiseration. I feel very much like the Red Indian Chief of whom we read in novels, who jumps into the arena, arrayed in a variety of warlike accoutrements and who finds to his dismay that he is stripped of them, one by one, by the people around him. I came here with arranging a number of topics in my mind on which I hoped to address the Council. But my dismay may be conceived when I found one honourable member after another getting up before me and anticipating them one after another. My honourable friend Mr. Setalvad has been the worst sinner in this respect. I have been calling the attention of the Council for a series of years to several educational topics of more or less importance. Mr. Setalvad has cooly appropriated nearly every one of them. The Hon. Mr. Ibrahim and others who followed him have treated me nearly as badly, so much so that I was seriously considering whether I might not distinguish myself this year by exercising the self-restraint of refusing to plough the sands as I have done for so many years and remain silent altogether. But my honourable friend Mr. Logan has come to my help in my dilemma and made it impossible for me not to rise to offer a strong protest against the unfounded and prejudiced observations* which he has allowed himself to offer from his place in the Council. I confess I was astonished that the Hon. Mr. Logan should have thought it right to make so personal and offensive an attack as he has done against members of this Council as honest and sincere as he considers himself to be. Not that he has enlightened the Council by anything new or original. He has only trotted out all the old fallacies and arguments with which we have been perfectly familiar in this Council for many years. They have been exploded again and again in this Council and elsewhere. But

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* The Hon. Mr. Logan in his speech referring to the collection of land-revenue had mentioned that he a Collector of Broach some years previously had had on one occasion to write off by one stroke of the pen so large a sum as twenty-six lacs of rupees. "It has never been mentioned," he added, "by our orators in connection with the subject of land-revenue, while isolated case of a *bhagdar* of Jambusar or a *patidar* of Kaira are quoted as an illustration of the harshness of the administration." The Hon. Mr. Logan had also made the following observation in the same speech:—"It is obvious that where a Collector has to deal with a thousand cases of refusal to pay of which ten or twelve are genuine cases of inability, these ten or twelve cases are liable to be neglected on account of the contumacy of the rest. For this the party who is to blame is not the Government but those who inculcate habits of dishonesty and contumacy among the people.

they will not die even hard. My Lord, the Bombay Revenue-officer, like the Bourbons, "never forgets and never learns." Time after time have lessons been administered to him, but he has been proof against them all. Has the Hon. Mr. Logan forgotten altogether the history of these counsels and lessons? Does he not remember the lecture administered by the Commission appointed to inquire into chronic agricultural indebtedness of the Deccan *rayat*? Has he forgotten how they pointed out that one of its main causes was the inelasticity of the Bombay Revenue System? The Bombay Revenue-officer, then as now, My Lord, kicked against what he contemptuously described as the meddlesomeness of a Commission unfamiliar with the profound mysteries and beauties of the Bombay System and sat down to indite a portentous minute of protest and resentment against the ignorant deductions of an alien Commission. Then again I suppose the Hon. Mr. Logan has no memory for the conclusion of the Famine Commission presided over by Sir Anthony McDonell who pointed out that the Bombay Revenue System and its principles of assessment were reducing a large percentage of the agricultural population to the condition of day-labourers. The findings of Mr. Maconochie's Commission, surely, are too recent to be forgotten, even though the Hon. Mr. Logan and those of his way of thinking may querulously and stoutly repudiate or explain them away. Coming to more recent times when one would have thought the dire existence of prolonged famines would have sobered him, we still find the Bombay Revenue-officer resisting any improvement. My honourable friend may take it that the public of this Presidency has not and will not easily forget the obstinate tug-of-war which was waged over the subject of the amendment of the rules relating to suspensions and remissions and the vexed point of individual inquiries to which the Bombay Government clung so pertinaciously. The whole world knows that had it not been for the pressure put by the Government of India, our present improved system of granting remissions and suspensions would never have come into effect. In saying so, I ought perhaps, My Lord, to beg the pardon of the Financial Member, for I am not unaware that there were exceptions and that there were not wanting experienced and large-hearted Revenue-officers who condemned the prevailing policy and strove and struggled to get it discarded. The valuable services which such men rendered during the late famines did not escape warm recognition and appreciation from the grateful non-official members of this Council. All this refers to the general policy and principles of the Bombay Revenue-officer. His practical ways and methods have not been better. The Kabilpore case in which the late Sir Herbert Birdwood distinguished himself when acting as District Judge is not yet altogether forgotten, nor is the castigation administered by Chief Justice Sir Michael Westropp when the case went up in appeal to the High Court nor the scathing condemnation of the grasping conduct of Revenue-officers. The Report of the Maconochie Commission shows that they are what they were then. They will never learn. My Lord, I do not propose to deal in detail with what has been advanced by the Hon. Mr. Logan. It has been repeatedly dealt with before, and, now as then, the Revenue-officer will never be convinced. It would be useless and ineffective to combat the intolerant

prejudices and bigoted sentiments regarding the agricultural condition of the people and the principles of revenue assessment to which he has so long been consistently and steadfastly wedded. It is a pity to reflect that no amount of authoritative investigation or counsel has ever been able to dissociate himself from his own ingrained ideas and prejudices.

My honourable friend has talked of famines and political propaganda, and he told us that formerly revenue was paid with marvellous punctuality. He tried to make out that it was not so paid now in consequence of political propaganda. The Hon. Mr. Logan has not adduced a shred of evidence to bear out his conclusion. Surely the real explanation lies on the surface without resorting to offensive allegation about political propaganda. It is a well-known fact that there had been no famines in Gujarat for a long series of years before 1896-97 and since then recurring periods of scarcity and famine overwhelmed the province. Is it a wonder, then, that even though heavy, the *rayats* could and did pay their assessments before 1896, and that they could not do so during the lean years? It has been dinned repeatedly into our ears that in fixing assessments, good and bad years were taken in account, but with such alterations of long periods when the province was free from famine, where were the materials for taking an average? It was idle to talk of such things for the purpose of justifying the wringing out the full assessment from a *rayat* utterly impoverished by successive blows following one upon another. With such facts, where was the use in dragging in the bug-bear of political propaganda to explain a phenomenon so perfectly simple? My Lord, it was unpardonable for the Hon. Mr. Logan under such circumstances to make offensive insinuations about blaming those "who inculcated habits of dishonesty and contumacy to the people." My Lord, the Hon. Mr. Logan in this connection talked of "the orators," evidently intending to include some of us as these unscrupulous "orators." It cannot but be a matter of regret that any member of this Council should have allowed himself to give expression to such insinuations. I say, My Lord, such observations should never have been made by a responsible officer of Government speaking at this Board. Not a fact, not a particle of evidence has he advanced in support of his imputations. My Lord, I cast these imputations back in the face of him who makes them. I say it is utterly untrue that "orators" have inculcated habits of dishonesty and contumacy to the *rayats*. It is a pity that the Hon. Mr. Logan should not have had the courage to name even a few or one of the "orators." The fact is that, freed from the control of the Civil Courts and practically irresponsible and altogether autocratic, the Bombay Revenue-officer is absolutely intolerant of criticism unless by way of praise. He has so got into the habit of thinking that he alone understands everything, that he is impatient of contradictions and thinks it impertinence and something worse for anybody however sincere and disinterested to meddle in what he considers his own peculiar province. It never occurs to him that he is only betraying prejudice and bigotry. Let me tell the Hon. Mr. Logan that we have pleaded and shall always plead the cause of the *rayat*, and for that matter of the

landlord and the *sowcar* when we believe that they are oppressed and ill-treated and have grievances which demand redress. And let me also tell the honourable member that the men who do so are as honest and sincere and perhaps even more disinterested and public-spirited, as he believes himself and his brother officials to be; no "political propaganda" and no "orators" are at the bottom of the impoverishment of the agricultural population and their inability to pay their dues in times of distress, but it is the rigid and oppressive way in which the Bombay revenue system has been worked for years and years. It is sad, My Lord, to contemplate that the Bombay Revenue-officer still clings to his old traditions of repression and rigidity and that nothing has been of avail to turn him from his old bigotries and prejudices bearing so hardly upon the agricultural population of which he fondly hails himself to be the *mábáp* but is really the stern collector of as large a revenue as possible. I will only say a passing word as to the claim set up by my honourable friend to be the only person, along with the Hon. Mr. Drew and perhaps with the Hon. Mr. Barrow in this Council to represent the interests of the *rayat* and that we represented the sole interests of the landlord. My Lord, it is not easy to conceive how an official can be said to represent the *rayat's* interests, when his main and principal function is to extract as much revenue as possible. But for ourselves, My Lord, we claim to represent the interests of both the *rayat* and the landlord, when they can indeed be differentiated at all. We think it our duty to speak out for all interests, even of the *sowcar*, who was described in the Viceroy's Council by Sir James Westland as one of the most useful instruments to bring the *rayat's* assessment into the Government treasury. It is said against him that he charges higher rates of interest than Government charge on their *tagavi* advances. No wonder that is so, when we remember the stringent powers and processes which Government have reserved to themselves to recover them. My Lord, the Hon. Mr. Logan talked of a prosperity Budget, as showing that the country was more prosperous than ever before. My Lord, this is one of the most superficial arguments that can be imagined to prove by itself the country's prosperity. True the Imperial Budget shows large surpluses, but by themselves, they prove nothing. We have to examine the character of these surpluses, how and whence they are derived, before we can hold that a surplus means general prosperity. If it is essentially derived from taxation directly or indirectly imposed, if it is the result of an artificial system of currency bearing hard on the people and indirectly taxing them, then a surplus is no sign of general prosperity, but only a burden and a source of impoverishment. There may be thus an overflowing surplus, but the condition of the *rayat* may still be increasing in indebtedness and poverty. As I have said before, My Lord, I do not propose to enter into detailed arguments touching all these questions raised by my honourable friend. I know they will leave him as unconvinced as before and they would, moreover, far exceed the limits even of a Budget speech in Council. I have now done, My Lord, with the Hon. Mr. Logan.

I will now proceed to offer a few remarks on what fell from my honourable friend Mr. Armstrong. We know that the Hon. Mr. Armstrong always puts his

points so soberly and carefully that they can be dealt with only with courtesy and respect. He will permit me, however, to point out that his remarks about municipal matters savour of the general fallacy into which public criticism of a certain class regarding municipal administration is frequently guilty. Every fault of omission or commission is laid at the door of the Municipal Corporation, when it really ought to be carefully discriminated between the different municipal authorities which the law has constituted. Very often the Municipal Corporation has to complain as much as the public of the Municipal executive and has in reality struggled long and hard to set it right in spite of ignorant or interested misrepresentation. But the blame is nearly always laid on their shoulders. I hope and trust that this undiscriminating confusion will cease, for it otherwise deprives the Corporation of the valuable support of public opinion in many an effort to make Municipal Administration careful and efficient. With regard to the Hon. Mr. Armstrong's comments on the water-supply of the city, there was an undertone of unfavourable criticism against the inaction of the Corporation in dealing with the question. In the first place, the recent fire near the Crawford Market involving a portion of Sitaram Buildings, was not due to the insufficient or defective supply of water. Water there was in abundance, but time was lost in opening the proper sluice-valve which should have been open. The fault lay with the executive of the Water Department and the Corporation has undertaken a strict, thorough, and speedy inquiry into the cause of the mismanagement. As to the supply itself, people have forgotten that it was the Corporation and its private members who, even against the hesitation of the Municipal executive, firmly pronounced for providing a constant and full supply and undertook the vast scheme which resulted in the present Tansa Lake. It was the Corporation which roused the executive with great difficulty to work a special staff for testing and preventing the enormous leakage of the supply through the mains, which was for long incredulously denied by Commissioners and Water Engineers and which on actual testing, has been now discovered to be beyond what they dreamt of. They are now carefully considering the question of the duplication of the Tansa main which is beset with more difficulties, sanitary and otherwise, than most people are aware of. But even so, the Corporation are quite prepared to undertake it if careful consideration shows it to be necessary or desirable.

With regard to the question of town-duty on sugar, the Corporation have had no opportunity of dealing with it. It was only the other day that the Chamber brought it to the notice of that body. Till now it was with the Commissioner. But in justice to Mr. Sheppard, the Municipal Commissioner, I should like to say that he pointed out to the Chamber a very simple way of removing the difficulties of the merchants but which they do not care to accept as to the total abolition of the duty; the policy of the Corporation has been to reduce or abolish in the first instance the duties on necessary articles of food. Sugar is not a necessary article of food in the same sense as, for example, grain is. The question, therefore, must be considered from all sides and cannot be dealt with solely with regard to the alleged grievances of the merchants who, instead of facilitating the task of collection

and refund by simple precautions, created difficulties by the innumerable devices resorted to by the middlemen employed by them to perpetrate frauds of the grossest description.

The one other point to which the Hon. Mr. Armstrong referred was about the provision of overbridges, and I am in full sympathy with what he has stated. The railway crossings are no doubt a nuisance and a scandal and it is time that necessary overbridges should be provided in the City. The most important of them are, I believe, five or six and I trust they may be soon undertaken. But let me say that in this respect the City has to complain not only against the Railway Companies, but also against the Government itself. Because these railways are practically Government concerns, and it seems to me that the Government should have recognised that there were legal and moral obligations to build them. They ought to have recognised that as the Railway Companies came into the City for their own purposes to make profits, the City should not be made to suffer inconvenience. It cannot be gainsaid that the burden of providing overbridges lies upon the Companies. I remember looking up the English Railway General Clauses Act. As Your Lordship knows that a large number of railways in England are dealt with by Private Bills with their own clauses and conditions. But the legislature has provided that where there are no private Acts there should be clauses for the building of the overbridges. In the Railway General Clauses Act it has been laid down that every railway coming into a City must provide culverts, bridges, etc. That is the principle upon which the Government ought to recognise that it owes to the City the obligation of providing for it the conveniences which are required for its traffic. I hope Your Lordship's Government will take up the question in earnest and will find means to accelerate and dispose of it in as speedy a manner as possible.

The Hon. Mr. Muir Mackenzie in his reply to the several members who had spoken on the Budget said :—The remarks of my honourable friend Mr. Logan led to a lively rejoinder from the Hon. Sir Pherozeshah Mehta. It was quite interesting to have our solemn deliveries varied with a little salt..... I cannot imagine that the Hon. Sir Pherozeshah was correct when he turned overwhelmingly on the Hon. Mr. Logan and said that the "orators," whose utterances stimulated the revenue-payer to the dishonesty indicated, were, in the fiery utterance of Sir Pherozeshah, "us". There are orators outside this Council who say exceedingly unscrupulous things.....But I feel no necessity to bolster up the Hon. Mr. Logan who is well able to take care of himself.

H. E. the President, Lord Lamington, in concluding the debate said :—..... I regard with very great satisfaction the interesting passage of arms which took place between the Hon. Sir Pherozeshah Mehta and the Hon. Mr. Logan. In these days when we know that proposals are mooted to increase and develop the utility of the work of these Legislative Councils, one pre-eminent feature which must ever be borne in mind is that they must be vitalised, as it were, both official and non-official members taking part in debate, exchanging arguments and entering generally into the contest of words. And so long as the arguments are fairly stated and refuted in good spirit, I regard it as a matter for satisfaction when I find any member in this Council taking up arms whether on behalf of or as a critic of the

Government. Of course, it is rare indeed that Government finds a champion outside its own ranks, not because such do not exist, but because by the very nature of the case it is not the method of governing here to produce them. It is only in a country fully possessed of representative institutions like Great Britain where you have two opposing parties, indulging in true criticism of each other's proposals. Consequently I say that it is not often Government finds a supporter amongst the non-official element, and therefore on an occasion like this when members meet on terms of equality I am delighted to find Council champions for the action of Government, and equally delighted to hear vigorous critics deliver critical and trenchant opinions. In this particular case we may say that whatever strong blows were dealt by the two honourable members, we may take satisfaction that each of them was armed with triple brass so that no one need take alarm less they should do one another serious injury.

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At the Meeting of the Bombay Legislative Council held at Poona on 20th June 1908, a year after the above-mentioned incident, the Hon. Mr. Logan, while speaking on the Provincial Budget, craved His Excellency the President, Sir George Clarke's permission "to refer to an episode which occurred last year when the Hon. Sir Pherozeshah took the occasion of certain comments of mine in answer to the Hon. Mr. Parekh to make an attack on me of a somewhat personal character, which I have had no earlier opportunity of answering." "I am under the great disadvantage," he continued, "that the Hon. Sir Pherozeshah is not here to-day, and for this reason I will shorten my remarks to the smallest compass necessary to justify my own position, and will give nobody an opportunity of saying that I am attacking the honourable member behind his back. It will be remembered that I stated that the land assessment was really very light and left a high margin of rental. The Hon. Sir Pherozeshah Mehta talked of a great many things in his reply, but he did not say anything to meet this point, except that my statements were old fallacies which had been long exploded. Old, Sir, they may have been, for the facts have been notorious these forty years; but fallacies they are not. They have been established in the most authoritative way by the Government of India..... ... The Hon. Sir Pherozeshah was particularly violent in repudiating a remark of mine, that the agitation against the land-revenue was a political one. But unless the honourable member understood the word 'political' in a sense different from the usual one, it seems to me that he was very courageous in repudiating the political connection .. .. In the Deccan at least the agitation is closely connected with the political campaign of the Poona Extremists. They frequently address meetings of agriculturists, and as an illustration I may mention that about a week before the Hon. Sir Pherozeshah Mehta was denouncing what he had the presumption to call my 'unpardonable insinuations' on the subject, one of the most notorious of these Extremists was addressing a meeting at Satara..... .. I think I have now said enough, Sir, to show that the statements I made last year were in accordance with existing facts, and I consider that the Hon. Sir Pherozeshah showed a want of sobriety in denouncing them as he did."

The Hon. Mr. Setalvad who also spoke felt bound to refer to what had fallen from his honourable friend Mr. Logan about the passage of arms the previous year between him and the Hon. Sir Pherozeshah Mehta. "Mr. Logan has stated," said Mr. Setalvad, "that when he spoke of orators and political agitators and their connection with the contumacy on the part of the ryots to pay the assessments, he had in mind some mischievous agitation in the Deccan and

that he did not insinuate anything against any honourable member of this Council and the attack therefore made on him by Sir Pherozeshah was unmerited and unjustifiable. Now, whatever the intentions of my honourable friend Mr. Logan might have been, I am afraid that he has forgotten the language that he actually used last year." Then referring to the words used by the Hon. Mr. Logan in the previous year, viz., that "The interests of the rayats are not independently represented here by any person except myself, the Hon. Mr. Drew and perhaps the Hon. Mr. Barrow. The landlord's interest is practically the sole interest which is represented by the Indian Members. It is because these landlords' interests are so well represented in this Council that we hear so much about these matters"—Mr. Setalvad said—"Can language be plainer than this? Did not Mr. Logan here refer to non-official Indian members and question their honesty of purpose by saying that they supported landlords' interest and sacrificed those of the rayats, whose only friends, he said, were himself and Mr. Drew and perhaps Mr. Barrow? It was these unworthy and utterly unjustifiable charges and insinuations against non-official members that my honourable friend Sir Pherozeshah promptly repelled and took exception to, and not Mr. Logan's denunciation, if any, of the mischievous Deccan agitator. And I venture to think that what Mr. Logan calls Sir Pherozshah's attack on him and of which he complains was perfectly justified and well deserved and that Sir Pherozeshah had not, in saying what he had said, lost his sobriety as suggested."

The Hon. Mr. G. K. Parekh who followed Mr. Setalvad submitted that it appeared very clearly that, when Mr. Logan was referring to the people who were responsible for inculcating contumacy and to those who represented the interests of the richer classes and not the interests of the rayats, he was alluding to his colleagues in the Council.

After speaking at length on the same incident, the Hon. Mr. D. A. Khare concluded his remarks as follows :—" The Hon. Mr. Logan has a right to think that what he says, he says honestly ; so we also say that what we say here we say honestly. We are not posing as disguised champions of particular interests, and I trust that every member will give another member the same credit which he wants to take to himself for honesty of purpose and disinterested motives."

The Hon. Mr. Logan :—Your Excellency,—May I be permitted to close this controversy as a personal one between Honourable Members and myself by saying once for all that in speaking last year of orators who inculcated dishonesty and contumacy among the people, I did not refer to anything that has ever happened in this Council and I cannot understand how Honourable Members should have supposed that I did. Why, Sir, the country is covered with orators. I did not restrict my remarks to Poona as the Hon. Mr. Khare now professes to understand. I referred to agrarian agitation throughout the Presidency, but I did not refer to anything that has happened here.

Thus, after all the members concerned having had their say, this unpleasant controversy was here brought to an end.

PROFESSOR F. G. SELBY.

GREAT EDUCATIONIST AND ADMINISTRATOR.

A representative Meeting was held at Poona on 23rd June 1907 for the purpose of concerting measures for commemorating in a suitable manner the

services rendered to higher education in this Presidency by Prof. F. G. Selby till recently Principal, Deccan College, Poona, and now Director of Public Instruction, Bombay. The Hon. Sir Pherozeshah, who presided, in opening the proceedings, spoke as follows.

Gentlemen,—It is in response to a wide and general desire that we are gathered to-day to take steps to give some tangible and permanent expression to the feelings of esteem, regard and admiration which we entertain for one of the most eminent, distinguished and brilliant officers that have ever adorned the educational service of this Presidency and indeed of all India, Mr. Selby. I should have been glad and indeed it would have been more in the fitness of things if some gentleman, more closely and more intimately associated with his life-long labour of love of developing Deccan College, as my friend Dr. Bhandarkar said the other day in the Legislative Council, into a model College, was asked to take the Chair on this occasion. But at the same time I might say that now we too are entitled to claim him as he belongs to the educational interest of the whole Presidency, occupying as he does a post which places him at the head of the educational world of the province—a post, when worthily filled, is as much of great usefulness as it is of honour and dignity,—the post of the Vice-Chancellor of the University of Bombay and joining with it, as he does, the post of the Director of Public Instruction. Gentlemen, no act of His Excellency Lord Lamington was more warmly or more cordially hailed throughout the educated classes than the appointment of Mr. Selby as Vice-Chancellor. As a member of the Syndicate, I have come into close contact with him and entertaining as I do the popular impression that scholars and professors are seldom efficient administrators, I have been astonished to find what great powers of administration Mr. Selby possesses. With his clear and through grasp of subjects and his mastery of details, he conducts the business of the University with a signal despatch which I have seldom seen in other Vice-Chancellors. He never allows us to dawdle, gentlemen, as we men not unfrequently are in the habit of doing. He has proved himself a most able administrator.

The speaker who will follow me will tell you in detail how it is that Mr. Selby has earned for himself the affection and gratitude of his pupils and esteem and admiration of all,—pupils or no pupils. He is a ripe and accomplished scholar,—I have heard that he lisped in Greek before he entered his teens. There is nothing which so impresses students as a reputation for great scholarship, and when we see Mr. Selby, we seldom fail to think of his great master, Aristotle. Then, gentlemen, he has been a great and sympathetic teacher and educationist. I will tell you from his own mouth what he has been in this respect. In the admirable Convocation speech which he delivered the other day, he described what a successful teacher ought to be. I will read his words :—

> 'The first requisite is that a teacher should thoroughly know his subject, and it is equally important that he should be interested in it and interested in interesting his students in it. The work of a teacher requires knowledge, great patience and an infinite sympathy and the art of putting one's self at the pupil's point of view. He must realise the pupil's difficulties

and ask himself how they are to be overcome. Speaking to my own countrymen, if they want to succeed as teachers in this country, I would say that they must, from the moment they land in India, make it their constant endeavour to mix and become friends with all the best representatives of the Society from which are drawn the pupils they have to teach They must have a knowledge of and sympathy with the pupils. It is, of course, the ambition of every teacher to become a power in the land. But no one can influence people whom he does not understand and for whom he does not care. The teacher, in fact, must "stoop to conquer."

Gentlemen, do you not recognise the lineaments of Mr. Selby in the description he has given of what a teacher should be? But even above and beyond all this, nobody can come in contact with him without realising that he is a true man and a thorough gentleman, the best type of a true English gentleman without affectation or empty display. You at once realise that here is a man on whose direct straightforwardness and unassuming integrity you can implicitly rely. Gentlemen, it will be a heavy loss to this Presidency when a high-souled, a high-minded and a high-principled man like Mr. Selby retires from among us. The present time is a time when we need more and more men of Mr. Selby's stamp with his qualities of head and heart, and I still trust that it may be possible to keep him somewhat longer among us.

I now ask Dr. Bhandarkar to move the first Resolution.

BOMBAY LEGISLATIVE COUNCIL.

THE CITY OF BOMBAY POLICE CHARGES BILL.

AMICABLE SETTLEMENT BETWEEN BOMBAY CORPORATION AND GOVERNMENT AS REGARDS COST OF CITY POLICE.

A Meeting of the Bombay Legislative Council was held at Poona on 20th July 1907 H. E. Lord Lamington presiding.

The Hon. Sir Pherozeshah Mehta :—Will Your Excellency permit me before the honourable member in charge of the Bill* rises, to move an adjournment of the first reading of the Bill?

H. E. the President :—I am not quite sure whether the honourable member is in order in doing so.

The Hon. Sir Pherozeshah :—It is permissible to move an adjournment of the debate and not the meeting without any notice. I can do so under Rule 4. [Reads.]

H. E. the President :—Very well. Go on.

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* Bill No. IV of 1907 (A Bill further to amend the Bombay Vaccination Act, 1877, the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Act, 1898, and to amend the Bombay Motor Vehicles Act, 1904). This Bill has been commonly called "The City of Bombay Police Charges Bill."

The Hon. Sir Pherozeshah :— I move the adjournment of the first reading of this Bill, not with the purpose of delaying business, but because the essential character of the transaction, to carry out which the Bill is framed, is such that nothing should be proceeded with in this Council till what I may call the contracting parties have come to a final settlement. The Council is aware that this matter arises out of an endeavour to readjust certain liabilities lying on Government and the Corporation respectively in a way more in consonance with the principles laid down in Lord Ripon's Despatch on Local Self-Government. For years attempts have been made to relieve the Corporation of the cost of the City Police over which it has absolutely no control and to impose in its place other heads of expenditure with control. Government have made proposals to the Corporation which may be briefly described as substituting for the cost of the police the expenditure on primary education and medical relief. These proposals included an exchange of police buildings against the Queen's Statue and the Victoria and Albert Museum besides certain vaccination buildings. While accepting in the main the proposals of Government, the Corporation have objected to the proposed exchange as not equally fruitful to both parties, inasmuch as the Statue and the Museum are already dedicated to the public. In replying to this objection, Government have intimated that if it were pressed, the whole scheme would have to be reconsidered again, thus opening up unfortunately the whole question. A committee of the Corporation is, however, investigating the matter and its report will, I have no doubt, be presented with all possible expedition. But the Council will see that thus Government and the Corporation have not yet arrived at a final agreement and as legislation in this instance is required to carry out the terms of the agreement, it is premature to proceed even with the first reading of the Bill. It might prejudice the contractual position of the Corporation to submit, as if it were, the terms of what is essentially an agreement between the parties to the decision of the legislature. It is to avoid such a misunderstanding that I move an adjournment.

The Hon. Sir Steyning Edgerley :—Your Excellency,—This is really a very small point. I quite appreciate my honourable friend Sir Pherozeshah Mehta's wish that the Corporation should in no way be prejudiced by our proceeding with the Bill and I am quite willing to undertake that that shall not be the case. .. ...

The Hon. Sir Pherozeshah :—I understand from my honourable friend that the action of the Council to-day will in no way alter the essential character of, or prejudice the agreement to be come to between the Corporation and Government regarding, the adjustment of certain liabilities, and, if that is so, I have no desire to press my motion for adjournment.

The Hon. Sir S. Edgerley :—I accept it in that sense.

The Hon. Sir Pherozeshah :—Then I withdraw.

The Hon. Sir S. Edgerley then introduced the Bill and in doing so he said that it had been called "The Police Charges Bill," but it might really have been called "A Bill to settle the outstanding differences between the Corporation and the Government," because

in settling the police charges they were so fortunate as to have helped to settle the question of responsibility for medical relief, vaccination, and primary education, for the maintenance of their new museum, and also certain questions regarding music fees and fees for motors and public conveyances.

Several members having spoken

Sir Pherozeshah said :—Your Excellency,—I do not propose to offer any remark on this occasion. The matter is before the Corporation for consideration, and until they come to a decision I do not think it right that I should say anything to what has fallen from the Hon. Sir Steyning Edgerley.

The Bill was then read a first time.

The Hon. Sir Steyning Edgerley then moved that the Bill be referred to a Select Committee consisting of seven members, Sir Pherozeshah being one of them. The motion was adopted.

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At the Meeting of the Council held at Poona on 28th September 1907 under the presidentship of the Hon. Mr. Muir Mackenzie, the Governor of Bombay, the Hon. Sir S. Edgerley moved the second reading of the City of Bombay Police Charges Bill.

The Hon. Sir Pherozeshah Mehta spoke as follows :—

Your Excellency,—My honourable friend Sir Steyning Edgerley on the last occasion as well on this has so fully explained the real purport and meaning of this Bill before the Council that it is hardly necessary for me to say anything or add anything to what has fallen from him. But it is impossible for me to resist the temptation of saying a few words by way of a brief summary of what has been done now that the curtain has fallen upon a drama which has been dragging its weary length along for nearly forty years. In doing so I should like to point out that in this transaction we have nothing to do with the question of liability of the cost of the police. That question had its first contentious origin at the time when Bombay was first organised into a regular municipal administration under Act II of 1865, and the circumstances under which the liability of nearly the whole cost of the police was thrown upon the Corporation, gave rise to constant discussions between Government and the Corporation from time to time. To those who do not regard a primrose " as a simple primrose and nothing more" the history of this question possesses almost the interest of romance. What took place between the Government of Bombay, the Government of India and the Secretary of State would furnish to those interested in the subject material sufficient for a fascinating tale. There were some amusing incidents. There were stalwart councillors, both Indian and European, in those days who offered stout battle to Government whenever what they thought an injustice was about to be perpetrated. On at least two occasions, the Corporation swore to appeal to the Secretary of State and the Government of India, when it suddenly occurred to the Bombay Government that they should reconsider their decision with the result that the reconsideration reversed it. But the question of the liability of the cost of the police is altogether irrelevant on this occasion, because, as already pointed out by the Hon.

Mr. Setalvad, it was repeatedly settled by different Acts, namely, those of 1865, 1872 and 1888, which threw a certain burden with regard to the cost of the police on the City of Bombay. But the Acts left the question open as to what proportion of that cost should be borne by the city and what by Government. After a great deal of dispute and discussion the question was ultimately decided by the Government of India, who compromised it by ruling that three-fourths of the cost should be paid by the Corporation and one-fourth by the Government. Against that decision the Corporation appealed to the Secretary of State, and the Secretary of State in 1892 upheld the view that was taken by the Government of India. Since then the question has been held as finally settled and both Government and the Corporation have worked upon this basis for years.

What we had to do in the present case was to find out a way to apply the principles which were laid down by the Government of India in Lord Ripon's famous Local Self-Government Despatch of 1881. In that Despatch it was laid down as follows : "His Excellency in Council observes that at present the annual amount spent on police by municipalities in India amounts to about 27½ lacs of rupees. The only function which the municipalities discharge in regard to police is the provision of funds for the purpose of meeting the whole or a portion of the cost of the municipal police force. They practically exercise no control over the police and cannot, therefore, be expected to take any special interest in the efficiency of the force or to look with sympathy on a provision of the law which treats them as a machinery for raising taxes to be spent on a department over which they have no control, and in the efficient and economical expenditure of which they have little direct interest and no immediate responsibility. The Governor-General in Council would, therefore, be glad to see municipal bodies relieved altogether of the charge for police, an equal amount of expenditure on education, medical charity, and, if possible, public works of local interest being transferred to them with as full control as may be expedient over the details of such expenditure." This was further explained by the Government of India in a subsequent Despatch in which they pointed out that in their letter of 24th October 1891 the orders above quoted "relieved municipalities of no charge whatever, but merely proposed to effect an exchange of charges and responsibilities by imposing on municipalities additional expenditure on account of education, medical relief and public works in lieu of the police charges which might be withdrawn from them."

It is to carry out the principles laid down in these Despatches that the Government and the Corporation have been trying to see what exchanges could be made and the exchanges that have been effected have been strictly carried out in the spirit of these observations. The Government have taken over the cost of the police and transferred to the Corporation the burden with regard to the primary education, medical relief and vaccination.

Your Excellency, it is always difficult to say, when exchanges of this sort are effected, who will be the ultimate gainer, because all these duties and functions are

capable of indefinite extension and development. It is impossible to say exactly to what extent the cost of the police may be increased within a certain time, or whether the cost of primary education as developed by the Corporation would keep pace with the police increase or would outrun it. It must be a question of give and take, leaving the exact state of things to the future. It is possible that at one time the cost of the police might overrun the cost of the increase in that of primary education and medical relief, and it is possible that the exact opposite process might take place. But, on the whole it is a suitable exchange, and the proper way to look at it is to see that the Government who have to deal with the *personnel* of the police should bear its cost while the municipality who have to deal with sanitary arrangements and the conservancy of the city and primary education should take the leading part in carrying out these important matters. It is on these lines that the present adjustment has proceeded, and I do not think it is necessary to go into the various details that have been set forth in the present Bill. The exchange of buildings has now met with the approval of the Corporation; and the Government have made over to the Corporation complete control over primary education and medical relief. So far as medical relief is concerned, it is one eminently for the Corporation to deal with. The city must be responsible for the maintenance of its sanitary conditions, and this involves questions which overlap each other. It was important that the Corporation should not be hampered in taking any necessary steps to improve the sanitary arrangements of the city, and it was most suitable that medical relief so closely correlative should be made over to the Corporation. In doing so there was one difficulty. There are various existing institutions for medical relief in the city which could most suitably be made over to the Corporation, whilst there are others which could not be strictly called as belonging to the city by itself. For example, Sir Jamsetjee Hospital, which has attached to it the Grant Medical College. The College is established to give medical education not only to the students of the city, but also to those of the whole Presidency. So the hospital could not very well be said to be purely a local institution, it was one in the interest of the whole Presidency. In the same manner the European General Hospital is not only for the European inhabitants of Bombay; it serves all parts of the Presidency. It can hardly be called a purely local institution. The Goculdas Tejpal Hospital presented difficulties of its own, owing to the conditions on which it was founded. The solution of this problem has been found in letting them remain in the hands of Government, the Corporation paying a fixed amount representing their present cost with two conditions, first, that the Corporation are not liable for any increase in that cost, and second, that Government should not reduce their present fixed expenditure on them or in any way take away from their present state of efficiency.

With these precautions the matter became a question of paying a certain sum of money to enable the Government to carry on the work of these institutions. It has been argued that this was not carrying out the principles of local self-government as laid down in the Despatch of Lord Ripon. But if you look at it properly you will find that they are truly and substantially carried out. It is a fixed sum

which the Corporation pays to Government and is not liable to be increased at the will of Government. The objection to the existing arrangement on the score of principle was that Government could budget for the cost as it thought proper. That is now done away with. In fact, the Corporation pays a fixed amount of money for meeting the balance against as on an adjustment of the charges. There was no liability upon the Corporation for any further increase in the cost of these institutions. It will be for Government to maintain them and to bear any further increase which may be necessary for purposes of development. I therefore venture to say that the Council will agree with me in thinking that this arrangement is in strict accordance with the principles laid down in the Despatch of Lord Ripon.

I was rather surprised to hear one remark which fell from the Hon. Ibrahim. He said that as this was a matter of contract between the Corporation and the Government, the Bill was brought to give legislative effect to it. He added that there was at least one point on which he was not able to agree with what had been done. I will call to the recollection of my honourable friend that he has agreed on all points except this one. He has signed all the reports of the Committees, and has not opposed in the Corporation anything except that one point. I think, therefore, that in the words "at least one point," the "at least" was an inadvertent addition to the words "one point." I do not wish to detain the Council with any further remarks about the character of the arrangement.

For my part I think it is a straightforward and honest arrangement of various liabilities between the Corporation and the Government, and we must not forget that the credit of it lies to a considerable degree with His Excellency Lord Lamington. He took up the question very earnestly and was very desirous that a cause of friction should be removed. It was a very fortunate circumstance that it fell to the lot of my honourable friend Sir Steyning Edgerley to carry out his desire in the matter. I may say that it was quite a pleasure to deal with Sir Steyning in carrying out the negotiations. With regard to the various conditions and terms that were to be arranged, I may add that Your Excellency's Government entirely deserves credit for the manner in which this matter has been brought to a happy termination. It is impossible not to recognise the great fairness and sweet reasonableness which have actuated Sir Steyning Edgerley in this matter. In fact, I have found that a spirit of great fairness and reasonableness always actuates him in dealing with all matters of this kind. I tender my thanks, and I think the Council will join with me in tendering their thanks to him and to the Government, not forgetting Lord Lamington, for the exceedingly happy termination of a subject which has caused a great deal of friction and trouble between the Corporation and the Government in the past. This arrangement will enable the Corporation to attend to the sanitation and conservancy of the City more effectively than it has hitherto been able to do and assist in preserving harmonious relations between Government and the Corporation. The City may well be congratulated on the happy way in which this matter has been adjusted and terminated.

The Bill was then read a second and third time and passed.

BOMBAY LEGISLATIVE COUNCIL.

FAREWELL TO LORD LAMINGTON.

After the business before the Council which met at Poona on 20th July 1907 was over, the Hon. Sir Pherozeshah Mehta bade farewell to Lord Lamington in the following words :—

Before Your Excellency adjourns the Council, the members desire to be allowed to bid you farewell. My Lord, it was with a very heavy heart that we heard the news of Your Lordship's abrupt intended departure, and it was with a still heavier heart that we learnt the reason* for this sudden departure. My Lord, when Lady Lamington came out with you on your arrival we recognised within a very short time that we possessed in her one who put her whole heart in helping to promote the welfare and happiness of the people among whom her lot was cast. My Lord, I well remember an incident which took place almost exactly a year after your arrival to the very day. Your Excellencies had come to open the Bombay Congress Industrial Exhibition and a great assemblage had gathered down. My Lord, Your Excellency has had to make many speeches on a variety of subjects all over the Presidency many of them very eloquent and sympathetic, but I claim, My Lord, your full and hearty acquiescence when I say that not one of them excelled the happy little speech which Lady Lamington made on that occasion. It at once captured the hearts of the vast assemblage that was gathered there. Everybody felt that the speech came straight from the heart, bright and sparkling, and that the gentle-hearted speaker was determined in her heart of hearts to be kind, considerate and helpful and to do everything good and useful for the people, among whom she was destined to reside, in every possible direction that might be open to her. When, My Lord, Lady Lamington had to leave on account of her health, everybody earnestly hoped and prayed that she might be able soon to return to this Presidency to resume the goodly work to which she had been devoting herself. But alas, the prospect of her return grew less and less, and now, it is not to be. Let me say, My Lord, that we deeply and intensely sympathise with Your Lordship in the cause which compels your departure.

My Lord, speaking as to yourself, it was early realised in your career here that we had secured in you a statesman of rare tact, of great and real sympathy, of high culture and broadminded liberality, giving assurance to the people of the Presidency that their interests were safe in Your Lordship's hands. The present is particularly a time when we want Administrators and Governors of the character I have described and endowed with the qualities I have mentioned and therefore it is that the Presidency—and I venture to speak in the name of the whole Presidency judging from the unanimous and universal expressions of regret that have already appeared and from my own knowledge, and I am in a position to know somewhat,—that the Presidency has received the news of your premature resignation with the deepest regret and

* The reason given for Lord Lamington's sudden departure from India was Lady Lamington's serious illness in England.

something akin to dismay. I may mention, My Lord, though not with any desire to make invidious comparisons, that it is not only this Presidency but the other presidencies and provinces of India have congratulated us on our singular good fortune in possessing a Governor of Your Lordship's type. This was strikingly manifested on no less an interesting occasion than the famous St. Andrew's Day's dinners last year. There were many festive gatherings on that day throughout the land, with great men and administrators of the chief provinces presiding over them and making important speeches. But the public and the Press throughout the country singled out one speech as worthy of distinction as that of a statesman. And that speech was Your Lordship's speech. It was so distinguished because it fearlessly touched the strong note touched by the Prince of Wales* on his return to England from his Indian tour. That sympathy, My Lord, you have shown in all your dealings with the people of this Presidency, and it is in consequence of that that from the earliest days of your administration you have acquired the confidence, the esteem, the admiration and the affection of all the various peoples of this Presidency. It is not always easy to give right expression to one's feelings on an occasion of this sort. I am conscious that my endeavour to do so has been clumsy and imperfect. But clumsy and imperfect as it may be, I can assure Your Lordship of the reality and intensity of our feelings at your departure. I hope and trust that on your return to England you may find awaiting you better news of Lady Lamington's health, and that in whatever career of usefulness that may be before you, the destinies of this land will always be at your heart.

H. E. the President, Lord Lamington having replied, the Council was adjourned.

THE SURAT CONVENTION.

After the adjournment of the 23rd Indian National Congress sine die under the most painful circumstances at Surat on the afternoon of 27th December 1907, a large number of the leading delegates assembled the same evening in Sir Pherozeshah Mehta's quarters and resolved that a National Convention be held on the next day and that only those who subscribed to the terms of the Convention be allowed to take part in it. The Convention accordingly met at Surat on 28th December and in opening the proceedings Sir Pherozeshah said:—

Brother Delegates,—I remember that once from the Congress platform I spoke of an unconventional Convention for the purpose of promoting the interests of the country. I did not think then that in process of time we should really have to meet in the form of a convention for the purpose of resuscitation, if you will, reincarnating, if you desire, the work which has gone on for 28 years with the co-operation of all

* Afterwards King George V.

provinces of this country. You were asked to attend here to-day for the purpose of forming a convention of that character. I think you will all agree with me that we can ask no better person than Dr. Rash Behari Ghose to take the Chair on such a memorable occasion and preside over our deliberations. I therefore request him to take the Chair.

The business of the Convention being over,

Sir Pherozeshah in moving a cordial vote of thanks to Dr. Ghose exhorted the delegates from all provinces to prepare well-reasoned and carefully-drawn memorials in regard to the new Reform proposals. Bombay was preparing such a memorial and it was the duty of every province to send well-reasoned representations in support of the views of the country on proposals which attacked educated Indians, especially lawyers, in an absolutely unjustifiable and undeserved manner. All these must be put down in their representations. He also advised that the delegates assembled there might have an informal conference and discuss that and other matters of interest.

The Convention was then dissolved.

* * * * *

A representative of the Times of India was granted an interview by Sir Pherozeshah Mehta at Surat on 29th December 1907.

He said he had foreseen that separation was impossible unless Congress were to submit itself to the rule of the Extremists. The aspirations of the Extremists were unreasonable and unrealisable and were such that the bulk of the Congress would not work on their lines. He and his friends had set before themselves one great article of their creed which was that their immediate object was a steady gradual improvement of all methods of Government, and though self-government was included in their aspirations, they looked upon it as the ultimate goal set very far off and not a thing they could hope or desire to attain to in the near future.

He had declared himself on one point and that was the point of boycott which he looked upon as taking up a hostile and offensive attitude, to which the other side which was after all the ruling class, might be expected to reply in kind and with greater effect. He considered that "swadeshi" included everything that was essential in Indian mercantile development. He was clear upon one point and that was that Mr. Tilak's influence among reputable people in other Provinces than his own, rested on the fact that he managed to hang on to the Congress. Now that the split had come people would find him out.

The Moderates had managed to avoid the grand mistake of using force against Mr. Tilak, which he very much desired they should do, and had so placed the onus of the split on Mr. Tilak. They themselves had done nothing which could bring discredit on their cause. Such discredit as was bound to be imputed would rest on Mr. Tilak.

INDIANS IN SOUTH AFRICA.

WHITE AND COLOURED RACES.

A Public Meeting of the citizens of Bombay was held at the Town Hall under the Presidentship of H. H. Aga Sir Sultan Mahomed Shah, on 29th January 1908, to protest against the treatment meted out to the Indians in the Transvaal. At the conclusion of the business before the Meeting, Sir Pherozeshah Mehta in moving a Vote of Thanks to the Chairman, spoke as follows.

Ladies and gentlemen,—The importance of this occasion cannot be exaggerated and it is for several reasons a fortunate thing that we have secured His Highness the Aga Khan to preside over this Meeting. He is a gentleman occupying a high and privileged position in the Islamic world and besides being highly educated, has travelled much, has thought a good deal and has been therefore eminently qualified to give weighty opinion on a question of the day. He also possesses genuine sympathy for the people whose prosperity and whose welfare he has ever at heart.

Ladies and gentlemen, in regard to the question upon which we have assembled to express our opinion to-day, I will venture to say that on this occasion we are really fighting the battle of the East against the West. ("Hear, hear.") We are fighting for the cause of the peace, the harmony, and the progress, which, in future, let us hope, may exist between the East and the West. ("Hear, hear.") It has been said that sober politics, or practical politics, required that the white races should be allowed to keep out of their preserve any of the coloured races. But I think, ladies and gentlemen, that the white races should reflect that it is one of the most curious positions which they assume because after insisting upon getting into the countries of the coloured races of the world, is it right and proper for them to say that they would not allow coloured races to come into their preserve? The moral law cannot be defied or violated with impunity any more in the political than in the social or private world. If they take up this position and say that they have a right to exclude from their preserves the coloured people, a time may come when the same arguments and reasons might be urged against them by the coloured races for preventing them from entering their countries and their homes. All over Asia we find that white races are fighting for the open door. Every white man insists upon entering the country of the "dark people" but when it comes to the question of small territories of the white races, the claim is set up that in practical politics they are justified in turning out coloured people. This is the question which is involved in the subject before us and which gives importance to this gathering. We are fortunate therefore in having as our President, His Highness the Aga Khan whose presence here amongst us to-day has lent a great weight to this momentous question and on behalf of this assembly I have to tender to His Highness our most enthusiastic and cordial thanks. (Prolonged cheers).

DECENTRALISATION.

SIR PHEROZESHAH'S VIEWS.

The Royal Commission upon Decentralisation held its sittings in Bombay from 5th to 17th March 1908 when several Indian leaders of public opinion and Government officials were called and examined. Sir Pherozeshah being also invited to submit his view and to appear to give evidence before the Commission whilst declining the invitation wrote as follows.

To

H. WHEELER, Esq.,

Secretary, Royal Commission upon Decentralisation,

Decentralisation Camp, Bombay.

DEAR SIR,

I regret very much that owing to my absence from Bombay, I was not able to reply to your letters of the 10th and 24th February 1908, ere this.

I received your letter of the 10th on the 15th February and I find that owing to the present state of my health, I have not sufficient time left to prepare either an outline of my views or to appear to give evidence before the Commission.

I regret my inability to accept the invitation of the Commission the less as I happen to hold very strongly the view that the question of Decentralisation cannot be dealt with adequately or effectually without entering into larger questions of administrative system and policy and that to deal with it by itself would be both inconclusive and misleading. I cannot help thinking that no provincial decentralisation, standing by itself, would be of much benefit unless it were safeguarded by such checks as could be provided for by measures of publicity and popular control. In some respects indeed, larger powers in the hands of local officials, unless so guarded by checks, might prove more oppressive than at present. All that I am prepared to say is that it would be desirable to increase the popular franchise and to give larger powers to Presidency and District Municipalities and to District Boards. I am not prepared to say the same with regard to Improvement Trust until the composition of the Trust Board is put on a more popular basis.

Yours Very Sincerely,

PHEROZESHAH M. MEHTA.

INDIAN NATIONAL CONGRESS.

SIR PHEROZESHAH'S VIEWS ON UNION OF EXTREMISTS AND MODERATES.

The Indian National Congress which met at Calcutta in 1906, was invited to hold its session at Nagpore in the following year, but the local differences in the latter city having rendered the prospect of a successful meeting altogether remote, the All-India Congress Committee resolved that the session of 1907 should be held at Surat. Accordingly, on the grounds on the banks of the Tapti, it met on 26th December 1907 but unfortunately it broke up, in this historic town, under the most painful circumstances. The first ostensible point of difference was the Presidentship. The Extremists wanted Lala Lajpatrai on the Chair, but as his recent deportation was expected to form the subject of a most animated discussion in the Congress, the Moderates led by Sir Pherozeshah Mehta, proposed the election of Dr. Rash Behari Ghose. Lala Lajpatrai being reluctant that anything connected with him should mar the success of the session, thankfully declined the great honour. Then the difference changed to what has since become known as the Four Calcutta Resolutions viz., Boycott, Swadeshi, Self-Government and National Education, the Extremists headed by Mr. Bal Gangadhar Tilak apprehending that these Resolutions would be dropped from the list of subjects. On the eventful 27th December 1907, when Dr. Ghose was proposed and seconded to the Chair, Mr. Tilak came upon the platform and began arguing with the President-elect. In the meantime a great uproar had commenced and the Poona leader kept on shouting and insisted on moving his amendment. All attempts on the President's part, either to proceed with the reading of his Address or to persuade Mr. Tilak to resume his seat, failed. The latter was recalcitrant and at this moment a shoe, thrown from the body of the Hall, struck both Sir Pherozeshah and Babu Surendra Nath Bannerjea who were sitting side by side. Chairs were hurled towards the platform and Mr. Tilak's followers began brandishing their sticks and were trying to rush to the platform, when the disorder having grown wilder, the police came in and ordered the Hall to be cleared. The Congress was adjourned sine die.*

After the adjournment, it was resolved by the leading Delegates, who met at Sir Pherozeshah's quarters, that a National Convention be held at Surat the next day and only those Delegates would be admitted therein who were agreed to a certain line of action. Accordingly, this Convention† met on 28th December under the Presidentship of Dr. Ghose. Mr. G. K. Gokhale moved a Resolution appointing a Committee which would draw up a

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* This unhappy incident connected with the Surat Congress, Sir Pherozeshah ever after remembered with a heavy heart. He never liked to talk about it and I remember once having told him that Mr. Surendra Nath Bannerjea had preserved the identical shoe thrown at him as a memento of the memorable Surat Session. "Surendra Nath's notion of keeping mementoes is different from mine," said Sir Pherozeshah, "I would rather cast away everything connected with that miserable incident than be burdened with such a regrettable recollection." Indeed this shoe affair was a very sorry exhibition of India's gratitude to the noblest and brightest of her sons, but it was, after all, the work of a solitary individual.

† See page 210

Constitution on the line laid down in the declaration of the creed which all assembled had already signed. This Committee met at Allahabad on the 18th and 19th April 1908 and drew up the Constitution of the Indian National Congress organisation.

A year after this incident, the Hon. Babu Bhupendranath Basu having asked Sir Pherozeshah to submit his views with regard to the proposed union of the moderate and the extremist parties, Sir Pherozeshah wrote to him as follows :—

My dear Bhupendranath,

I got your letter of the 8th only this morning as it had to be sent on here from Bombay. As your Meeting is on the 15th there is hardly time to write as fully and in such detail as I should desire. I must therefore content myself by putting down the few following brief notes of my views on the questions you refer to or rather the material points involved in them.

(1.) *The so-called "Creed" as it is somewhat clumsily dubbed.*—The events which took place in Nagpore and Surat and circumstances under which the Congress broke up in Surat make it now absolutely essential that the unwritten law on which the Congress was based from the very commencement namely, that it was to be a legal and constitutional movement carried on by our organization which loyally accepted British rule, should be now put in express words, at once clear and unambiguous, unassailable by any such dialectical chicanery as was practised in the last Congress on the Boycott resolution when the words agreed to as meaning one thing were attempted to be explained into another and a very different thing. It is no use shutting one's eyes to the fact, within our own knowledge, (I can speak with authority as regards so-called extremist leaders in the Bombay Presidency) that some secretly cherish the idea of using the Congress for aims and methods not altogether constitutional. It is impossible therefore to let any doubt exist as to the character of the Congress organisation and movement. It would be unpardonable in us to do so after the events at Nagpore and Surat, the full import of which has unfortunately never been understood by distant provinces like Bengal and the Punjab and after the way in which a section of the Indian Press has reiterated over and over again its emphatic views of the policy which they recommend should now be followed in regard to the agitation of Indian questions. It must be remembered that the necessity for giving written expression to the unwritten law on which I have said the Congress was from the first based, was recognised by over 1,000 delegates to the Surat Congress including nearly all the most representative Congressmen from all parts of the country, including several who now raise all sorts of technical and petty objections to the subscription of the constitutional creed. With regard to this point it must also be borne in mind as already pointed out by the Hon. Mr. Khare in his reply to a requisition sent to him, that so far as the next Congress at Madras is concerned it must be held under the rules framed by the Committee that met at Allahabad under the mandate of the Convention, and that there is no power or authority anywhere now existing to alter or dispense with them. Indeed so far as the creed is concerned,

it was framed by the Convention itself to fix the character of the organisation to be constituted and the Allahabad Committee had no power to dispense with or modify or alter it. It is futile and unmanly to whine over the paucity of members that met at Allahabad and the character of the voting. There was a full and animated discussion and not a word could be reasonably said against the validity or binding character of the proceedings which were conducted with propriety and regularity.

(2.) *Then comes the question of the Four Resolutions.*—You will pardon me if I use strong language in dealing with it. I cannot conceive anything more monstrous and impudent than the demand in that behalf. It was made before the Congress met at Surat and is trotted out again now. To any one conversant with the ins and outs of the matter it is perfectly clear that it is a disingenuous device "to save their faces," *i.e.*, to say to cover their discomfitured retreat from the personal question as to the appointment of a President which was attempted to be rushed through at Nagpore which was believed to be a favourable stronghold for their purposes. The least examination of the demand betrays its disingenuous character. Is it not an attempt to stay the Subject Committee and the full Congress from discussing and deliberating on every subject that may be regularly brought before it and deciding it according to its judgment and conscience? What is the object in demanding that the Four Calcutta Resolutions must be adopted? Why is anybody to be bound to do so, if his conscientious convictions are not in favour of any part of them? If, as is alleged, there is a majority in their favour, surely that majority can carry them both through the Subject Committee and the Congress, and any agreement to adopt them is needless. If there is not a majority in favour of altering or modifying them, such an agreement as is demanded is a monstrous attempt to impose the will of the minority on the majority. Can any fair and reasonable man fail to make out the real character and meaning of a demand of this sort, made, be it remembered, both before and after the Session at Surat?

(3.) *I now come to the plea of a United Congress.*—I cannot help saying that there is a great deal of mawkish sentimentality in the passionate appeals for union at all cost. For my part, I think it is most desirable that each sets of distinct convictions should have their separate Congress. To jumble them up in one body confuses the real understanding of the extent to which opinion really tends in one direction or another, and it is not possible to make out what are the dimensions of the cleavage and difference of opinion existing on any particular question. It is therefore desirable that persons holding nearly the same opinions and principles should organise themselves in to bodies where they can expound them and lay them before the public in a clear and consistent form. The public could then have the issues clearly before them and their deliberate judgment can declare itself by the growing favour they would accord to any particular association. For God's sake let us have done with all mawkish blubbering about unity where there is really none. Let each consistent body of views and principles have its own Congress in an honest and

straightforward way and let God, *i.e.*, truth and wisdom judge between us all. I have written this letter in great haste so that it may reach you in time. Imperfectly as I have been obliged to express myself, the views which I have tried to set forth are views which I have formed after careful consideration.

Believe me,

My dear Bhupendranath,

Yours Very Sincerely,

PHEROZESHAH M. MEHTA.

LORD MORLEY'S REFORMS.

EXPANSION OF COUNCILS, ETC.

A representative of the Times of India interviewed the Hon. Sir Pherozeshah Mehta on 18th December 1908, on the new Reform Scheme of Lord Morley re Expansion of Councils, etc.

"I am more than pleased. I think it is a very genuine effort." These were the Hon. Sir Pherozeshah's first words when asked by the interviewer to give his opinion about the new Reform Scheme.

Sir Pherozeshah thought Lord Morley dealt with the question of Reforms in a most statesmanlike manner. The statement, he said, bears out what I have always contended, namely, that any substantial step in reforming the constitutional machinery, can only and will only come from the Liberals. As England is governed on the party system our hopes are through theparty system, and I have always held that it is only through the Liberal party that we can ultimately secure any liberal advance. And that contention of mine is fulfilled by what has taken place. I find it difficult to conceive that any Conservative Government could have designed a scheme of so liberal and genuine a character as that which is contained in this Despatch.

The Reforms now proposed are really of a substantial character. The enlargement of the local Provincial Councils is certainly a long step, but I feel convinced it will be justified by the results. And it will succeed in doing what Lord Morley anticipates—bring the people into close touch with the everyday administration.

My only difficulty about the process of election which it is proposed to institute is in regard to the Electoral Colleges by which it is suggested that the elections may be carried out. That process is sure to fail with regard to the smaller minorities, but, after all, it is only as a suggestion that the scheme of Electoral College is put forward and I have no doubt that each Presidency will be allowed free scope to deal with the matter as its own particular circumstances may require it to do. In our representation to the Government of India we contended that whatever the electoral bodies might be they should be free to elect whomever they liked. The proposal

now put forward is that so many Hindus and so many Mahomedans and so on shall be elected. Of course, in all probability, Hindu electorates would elect Hindus and Mahomedan electorates, Mahomedans. But it would be a pity to prevent all opportunity of members of other communities being put forward at the hands of their fellow-countrymen.

I must confess, added Sir Pherozeshah, that this scheme goes even further in regard to the addition of Indian members to the Provincial Executive Councils. For fear of being led to ask too much, we asked as little as possible in our representation to the Government of India. But I see Lord Morley proposes to double the Executive Councils of Bombay and Madras and to appoint at least one Indian member to each. But he does not close the door to even half the number of members being Indians. Equally gratifying is the provision that there shall be one Indian at least on the Viceroy's Council. That can be effected without fresh legislative action and the assurance that one will be appointed almost forthwith cannot fail to be very satisfactory.

With his usual caution Lord Morley has remarked, continued Sir Pherozeshah, that the Parliamentary system in India was a goal to which he did not aspire. I venture to think that this might have been left unsaid, considering the upheaval throughout the whole of Asia. When Persia and China talk about representative Government and parliaments, one does not care to set any particular seal of impotence on India. But I have always been against looking too far ahead. I have for a long time deprecated the fashion of talking of ideals. In India at any rate at present let our aims and goals be practical, looking forward to the near future without troubling ourselves as to what may be the ultimate goal. But Lord Morley has more than made up for this by the quotation which he has given from the language of Mr. Bright in 1858*—language breathing that spirit of sympathy and liberality which always distinguished Mr. Bright whenever he spoke of India and has always made Indians reverence him as one of the truest friends they ever had. †

I hope that Bengal may always have an Executive Council like that of Bombay and that they may lead to some modification of the Partition because the establishment of an Executive Council may meet the objection which was raised in regard to the unwieldy bulk of a province like Bengal being left to the administration of a single handed Lieutenant-Governor.

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* In his masterly address delivered in the House of Commons on 24th June 1858, Mr. John Bright showed how India could be most beneficially governed with a view to the welfare of the people and the permanence of British Rule. "You have had enough of military reputation on Eastern fields," he said, "you have gathered large harvests of that commodity, be it valuable or be it worthless. I invite you to something better, and higher, and holier than that; I invite you to a glory not 'fanned by conquest's crimson wing,' but based upon the solid and lasting benefits which I believe the Parliament of England can, if it will, confer upon the countless populations of India."—*Life and Times of the Right Hon. John Bright, by William Robertson, pp. 352—353.*

† It has been said of John Bright that he "would always deserve applause as the first private member of Parliament since the days of Burke, who set himself with diligence and ardour to investigate and redress the wrongs of the voiceless millions of India."

BOMBAY MUNICIPAL CORPORATION.

DEATH OF MISS CLARKE.

An urgency Meeting, called to give expression to the universal feeling of sorrow at the death of Miss Clarke, the daughter of H. E. Sir George Clarke, the Governor of Bombay, was held on 29th March 1909, Mr. G. O. W. Dunn presiding.

The Hon. Sir Pherozeshah in moving the Resolution of Sympathy, said :—

Mr. President,—I have been entrusted with the task of moving the Resolution mourning the death of Miss Clarke, the beloved daughter of the Governor, and of expressing our profound sympathy with His Excellency in his sad and heavy bereavement. I am not exaggerating at all when I say that our hearts are bleeding within us at the tragic event which has overtaken the Governor whom we have all learnt, within a short space of two years, to love with feelings of respect and of admiration. The President has so touchingly referred to the inscrutable decree of Providence, but on an occasion like this, one is tempted almost to rebel against the wisdom of such a decree. We feel on such an occasion how monstrous are the visitations of Providence. Only a short time ago we had met in this Hall for the purpose of expressing our profound sorrow at His Excellency's terrible bereavement in the loss of his dear wife and three months have hardly passed when we have to meet again this evening to give expression to the heaviness of our hearts on account of another bereavement—the loss of his only beloved daughter. We cannot stop our hearts bleed at the terrible affliction which has overtaken His Excellency. On a sad and melancholy occasion like this one has not sufficient language at one's command to give vent to the intensity of one's feelings and the inadequacy of words itself at such a time often expresses our deep sorrow more forcibly and more profoundly than any number of words could do.

When John Bright lost his saintly wife, Cobden paid him a condolence visit and consoled him while he was overwhelmed with grief. He asked his friend who was in tears to cast his looks upon thousands of suffering poor outside his home. Cobden further appealed to him in the name of his saintly wife to cease his lamentation which, after all, was only impeding him from doing his duty towards his fellow-countrymen who were greatly in need of his guidance and his co-operation. We know what the effect of that appeal was. After the first paroxysm of grief was over, John Bright worked for the cause of the poor and the result was the repeal of the Corn Laws. Recollection of this incident* comes to my mind. We feel even on

* John Bright lost his wife on 6th September 1841 and Cobden's visit to him was on the 13th. "At that time," said Bright "I was at Leamington, and I was, on the day when Mr. Cobden called upon me—for he happened to be there at the time on a visit to some relatives—I was in the depths of grief. I might almost say of despair; for the light and sunshine of my house had been extinguished. All that was left on earth of my young wife, except the memory of a sainted wife and of a too brief happiness, was lying still and cold in the chamber above us. Mr. Cobden called upon me as his friend, and addressed me, as you might suppose, with words of condolence. After a time he looked up and said—'There are thousands of houses in England at this moment where wives, mothers and children are dying of hunger. Now,' he said, 'when the first paroxysm of your grief is past, I would advise you to come with me, and we will never rest till the Corn Law is repealed.' I accepted his invitation. I knew that the description he had given of the homes of thousands was not an exaggerated description. I felt in my conscience that there was a work which somebody must do and therefore I accepted his invitation, and from that time we never ceased to labour hard on behalf of the resolution which we had made.'

such an occasion—though it is for His Excellency to solve the problem—that he might be given strength to do the work of public benevolence—for, alas! all his private hopes have vanished—at one of the most critical junctures in the history of this country. Not only this whole Presidency, but I venture to say that all classes and communities in this country appreciate and admire his ability and the worth of the excellent work he has done in his own country; and that ability and that power of mind cannot, I say, be better utilised by His Excellency than in doing some abiding good to the Presidency over which he rules. All the hopes, all the noble ambition of a highly sympathetic lady to assist her husband in his arduous work, and to be useful to him in everything connected with public welfare, have been ruthlessly shattered by the cruel hand of Death and we cannot but express our profoundest grief and deepest sympathy with His Excellency the Governor in the great calamity that has overtaken him.

BOMBAY LEGISLATIVE COUNCIL.

THE BOMBAY BUDGET OF 1909-10.

At the Meeting of the Bombay Legislative Council held at Poona on 19th June 1909, the Hon. Sir John Muir Mackenzie introduced the Financial Statement of the Government of Bombay for the year 1909-1910. The Hon. Sir Pherozeshah Mehta made the following speech.

Your Excellency,—I am very thankful to you for giving me now the opportunity for making a few observations, not upon the Budget but upon the general principles and policy which has guided this Council under its present constitution. But before I do so Your Excellency will allow me to thank you for the very liberal manner in which members are supplied with Government papers, Press Communiques, etc. I assure Your Excellency that this assistance has been invaluable to us. Formerly we had to make inquiries in all sorts of places and then we were not always satisfied that we had got the information we wanted, but under Your Excellency's new policy, members have been greatly assisted and I thank Your Excellency for adopting a measure of this character. My honourable friend Sir John Muir Mackenzie will forgive me if I say that I feel a little disappointed at the very brief remarks he has made before the Council on this occasion. My disappointment arises not inconsiderably from the circumstance that we know of the graphic power of description, the great use of language, and the generous appreciation of the work done which my honourable friend has often shown and in consequence of which I hoped that on this occasion, which Your Excellency has described as the closing scene of the reformed Council under the Act which came into operation in 1893, he might have given us a graphic summary of the work done by this Council and especially by non-official members and the impress their work has had upon the Budget which the Government has been able to lay before the Council on this

occasion. I think on this occasion the opportunity might have been taken to recapitulate what has been done in the direction I have pointed out.

Your Excellency, the observations I am going to offer, I hope, will not be taken in the light that I offer them as adverse or hostile criticism of the Government. I shall certainly offer some criticism in the course of my remarks as to the way in which the efforts of non-official members were sometimes met and to their non-success; but Your Excellency, I will at once say that in offering that criticism, taken by itself, I shall be presenting only one side of the shield.

No one recognises more than I do that the true genius of British statesmanship contains within itself the power to recognise at the proper time—though perhaps slowly and cautiously—such drawbacks and failings as may present themselves and moves up to the requirements of the time and the march of progress. Your Excellency, the approaching reforms in this Council prove what I say. It is sometimes said that the grant of these reforms is the result of agitation but every student of history knows that agitation may be dealt with in one of two alternatives. There is the statesmanship which meets agitation by simple and pure repression; there is the statesmanship which tries to meet it by marching up, as I have said, to the requirements of the time and trying to lead up to reforms, such as we have got for the removal of the defects and drawbacks which may have presented themselves in the course of administration. That is what has taken place in regard to the march of Indian events and I have no doubt we shall all be much inspired in the future in the work of bringing into operation the reforms in the interests of this country, in the true interests of the connection of this country with England by, if Your Excellency will permit me to say so, the sympathetic guidance of statesmen like yourself. I have no fears for the future and if I look back to the past—as I am entitled to do for I have been a member of this Council ever since the present Act came into operation in 1893 and I have been able to watch its work perhaps more nearly than many other members—I say we may well look forward to a period of greater usefulness than even the past has provided. When we began in 1893, with the new functions which devolved upon us, there were forebodings that we should not be able to exercise those functions in a satisfactory manner. Even such a distinguished thinker as our late colleague Dr. Selby ventured to argue that when under the system of nomination we had got such good men as Ranade, Tyabji and Telang we could not expect to get even similar men by election. I then ventured to point out that this system of election had a magic in itself and worked upon those elected in a way that nomination could never do. Still we approached our duties with timidity and some misgiving, but I am sure that the work which has been done has been neither useless nor vain.

Taking the judicial department, for instance, I think the Hon. Mr. Webb will gladly recognise that an important reform in his province* is due to the non-official

* The Province of Sind.

members. From the very year 1893 we urged Government to reconstruct the Sadar Court of Sind. The Appellate Side was under a single Judge. The reform was first urged upon the Council by my old friend Odhavram Mulchand, the first member from Sind. I helped him and as a result—though it was a very slow process and took more than ten years to persuade Government to undertake it—the reorganisation was carried out, and Mr. Justice Fulton steered a Bill through this Council putting the administration of justice in Sind on a sound and satisfactory basis.

Then, Your Excellency, there were a great many things even in the High Court of Bombay that required looking into. There was the question of the appointments of the Clerk of the Insolvency Court and of the Administrator-General. The Clerk of the Insolvency Court was allowed to draw thousands of rupees a month from the fees that came in instead of drawing a salary. Sir Richard Temple's Finance Commission pointed out that the work could be properly done by an official who would be well paid on a salary of Rs. 600 a month. From the first, my friend Mr. Setalvad, fresh from the High Court, urged this upon the Council. It required many efforts and many years before it was carried out, but I am glad to say Government decided to take the fees themselves and pay the Clerk a salary thereby saving a very large amount of money. In the same way the Administrator-General was allowed to draw thousands of rupees though his services could have been adequately paid for by a moderate salary, and I am glad to say that now a salary is paid for the office instead of the holder being allowed to draw the fees.

Then, Your Excellency, I may record one failure on our part in getting what we strenuously tried to get in this Presidency and that is the separation of judicial and executive functions. I took one of the first occasions which presented itself, I think it was in 1893, of urging upon Government to do this and I pointed out that the scheme* could be carried out not only economically from a financial point of view but satisfactorily from the point of view of administrative efficiency. On that point, as I have said, we have to record a failure. That is surprising seeing that when owing to stress of famine exigencies, Government were for a time obliged to relegate the judicial duties of revenue-officers to subordinate judges, it was proved to work satisfactorily. With that experience to guide us, it is a source of disappointment that this Government has not been forward in urging the Government of India to experiment in this Presidency along with the sister Presidency of Bengal. Your Excellency will perhaps remember that the Viceroy's Council, when it last considered the matter, selected the Bengal Presidency for the experiment instead of the Bombay Presidency, a position we in Bombay resent.

Then there is one point on which I think I can congratulate myself and the other non-official members and that is the old thorny question of the police charges of the City of Bombay. I urged upon Government that it was an anomaly that the

* See page 61

Bombay Corporation should be called upon to pay the cost of the police when the whole of the police administration was in the hands of Government. After a long struggle, I hope I may be allowed to call it a struggle, the Bombay Government made an arrangement, largely owing to the efforts of our late colleague Sir Steyning Edgerley, under which Government took over the police charges and imposed upon the Corporation primary education, medical relief and other minor charges. It was one of those questions requiring sympathetic treatment and required a lot of care on the part of the unofficial members. Then Your Excellency will permit me to refer to some points with regard to education. I do not know whether Your Excellency is aware that the Bombay University had in the beginning a grant of Rs. 15,000. Then Government, in the name of the needs of primary education, reduced it to Rs. 10,000 and again the claims of primary education and financial exigencies brought it down first to Rs. 5,000 and then to nothing. I struggled to prevent what I then thought meant the separation of Government from higher education, for Government's action was universally interpreted to mean the adoption of a set policy of dissociating Government from higher education. I protested against such a policy being adopted in this or any other parts of the country. Since then Government have fully realised that such a policy was not a policy beneficial to the best interests of the country, and they have, I am very glad to say, returned to the older policy and raised the grants so that instead of Rs. 5,000, Rs. 10,000 or Rs. 15,000 Government have given Rs. 50,000, Rs. 60,000, Rs. 1,00,000, Rs. 2,00,000, Rs. 3,00,000 for the purpose of the University and I think Government ought to be congratulated upon acting in that manner. I see there is no University grant this year but this is I take it, due to the exigencies of the year and will be made up in future years.

Then, Your Excellency, I may refer to the Fergusson College. When we urged Government to give a grant we were told that they did not wish to interfere with private enterprise. Private enterprise I might say without being invidious is a term which has been used in various ways. It has sometimes been used to defend depriving Government colleges of their grants and sometimes to defend depriving private colleges of their grants. The Fergusson College was deprived of the grant it used to get and I believe that it was the Government of Lord Harris which began by giving a grant of Rs. 3,000 which I think ultimately came up to the full amount aided colleges can claim, Rs. 10,000. In mentioning Fergusson College I may also state that I join my honourable friend Mr. Setalvad in deploring that Government will not grant to Gujarat and Sind Government Colleges as they have done to the Deccan. Government have established a model college in Bombay and given another one to the Deccan, and Gujarat and Sind ought to have Government colleges also. We have been told that Government are leaving it to private enterprise, but I pointed out many years ago that such a policy had not succeeded and that the only remedy was the provision of model Government colleges in Gujarat and Sind in the same way as in the Deccan.

Then, Your Excellency, we may take some credit for inducing Government to take a step in advance with regard to the question of the construction of primary

school buildings in Bombay. For a long time Government would not listen to us, but ultimately they awoke to the necessity of the occasion and appointed a Committee to consider the matter. Now, a scheme has been settled for spending ten lacs on such buildings, Government and the Corporation sharing the cost equally. I am glad to confess that in this matter Government have met the wishes of the Corporation in a liberal spirit.

Then, I think, this Council and especially its non-official members can lay claim to making Government take a firm and decisive step in another direction, and here I beg to congratulate Your Excellency's Government on what has been done with regard to the salaries of primary school teachers. To my friend Mr. Sadiq is due the credit of bringing this question before the Council. In 1893 he drew the attention of the Council to this matter by pointing out that primary school teachers were paid salaries lower than even ordinary peons and labourers. These teachers were paid for many years Rs. 5 or Rs. 6 a month, and a large number called pupil teachers were paid Rs. 3 to Rs. 5 a month. Your Excellency could well imagine, with the knowledge which you can bring to bear upon educational questions, what sort of teaching pupils in the primary schools could have received under those conditions. Government pleaded all sorts of excuses and the Finance Member pleaded two things; (1) the state of the Provincial finance; and (2) the calls upon their purse in various other directions; and the somewhat surprising excuse that was brought forward of the law of supply and demand. I have heard with surprise the plea: "If you can get teachers for Rs. 3 and Rs. 5 why should you pay more?" Now, this is a plea which is far from convincing. Although you may get a certain kind of men for Rs. 3 and Rs. 5, it does not follow that they can really do the most responsible work which the teachers have to do of training the minds of the young. I admit with great pleasure that Government have thoroughly realised the importance of this question, and I think Your Excellency's Government is to be congratulated for taking a firm and decisive step in raising the salaries of these teachers. I am perfectly certain that this process will be continued until the teaching in primary schools is placed on the basis on which it ought to be.

I also congratulate Your Excellency's Government upon the recent resolution which has been issued with regard to the establishment of a training college for primary school teachers in Bombay itself. This has probably followed upon the recommendation made by the primary education Committee to the effect that it was absolutely necessary that such a college should be established in Bombay. It is of no little credit to Your Excellency's Government that they have lost no time in framing a scheme and forwarding it to the Corporation for securing such a good purpose. I have no doubt that the Corporation will approach the question in the same spirit in which Your Excellency has launched this project.

We have done one other good thing. Lawyers are now in discredit. But, if that is so, there is no doubt that law teaching should be put upon an improved and proper footing. For years we had urged that the Government Law College should be

put upon a proper basis and our efforts met with no success. And Your Excellency will allow me to point out that when we did win success it was not in a way upon which Government can be congratulated. At that time a scheme was started for a private Law College with my late lamented friend Mr. Justice Tyabji at its head. A committee was formed and the University was approached to grant it recognition. The recognition was granted. When Government saw that after all a private college was to be established they thought the time had come when a step should be taken forward. This could only be done by establishing a proper Government Law College. Then they brought in a scheme under which the present Law College exists.

I think, Your Excellency, I have indicated some of the salient reforms brought about by the exertions of non-official members under the Heads of Justice and Education. There are many other minor questions, but I do not propose to take up the time of the Council by dilating upon them. I now come to the most important Head of the Budget—the Revenue Head, and it is in connection with that department that I really hoped my honourable friend Sir John Muir Mackenzie would state what had been done by non-official members in the interests of the Presidency.

Your Excellency, it is with a great deal of astonishment that I have seen recently a claim put forward in public that so far as the interests of the *rayats* and the agricultural population of this Presidency are concerned it is the Government officials—the revenue-officers—who ever look after their interests in this Council, and that much could not be expected from non-official members in that direction who rather than look to the interests of the *rayats* are more bent and interested upon looking to the interests of the money-lenders, the *sowcars*, and the landlords. Your Excellency, I have said, I have seen with great deal of astonishment that plea put forward. I will ask the members of the Council to look to the records of the Council from the year 1893. I venture to say that no claim ever put forward was more unfounded so far as the revenue-officers were concerned and more libellous so far as the non-official members were concerned. From 1893 non-official member after member has striven hard to draw the attention of the Government to the hardships and difficulties under which the *rayats* have laboured, to the pressure which was tried to be put in the collection of revenue and to the rigours of the rigid system of revenue collection, and, which, not only the official members who have worked on Government Commissions but also officials outside the Presidency have admitted, was responsible to a very large extent for the indebtedness of the Bombay *rayat*. Your Excellency, the Deccan Agriculturists' Commission pointed out that it was largely to the rigidity of the system of revenue collection in Bombay that the indebtedness of the Deccan *rayats* was due. Sir T. C. Hope, one of the most distinguished Revenue members of the Bombay Government, who afterwards went to the Viceroy's Council*, admitted that the indebtedness of the *rayat* was owing in a large measure to the rigidity of the Bombay system of

* Sir T. C. Hope (1831-1916) was a member of the Imperial Council in charge of Public Works from 1882 to 1887.

land-revenue collection. Again, the Famine Commission reported to the same effect. I admit that the Bombay revenue-official never admitted the pertinency and soundness of the view taken by officials from other parts of India, charging them with knowing nothing about the Bombay revenue system, and pertinaciously maintained that the Bombay system was the best system under the sky. But even on these questions I am glad to congratulate the Government on the gradual improvement that has taken place in this direction through the exertions of non-official members. Government has at length yielded to public criticism and given up their favourite system of remission and suspension of land-revenue during times of famine. Time after time, we pointed out the futility of attempting individual discrimination in granting remissions and suspensions. But nothing could move them from it until the Government of India passed its orders on the subject, and now we have a system, which, as the Hon. Mr. Parekh has admitted to-day, has worked liberally and justly in this Presidency. But it was not a little due to the persistent efforts of the non-official members that that improvement has been effected.

I think Sir John Muir Mackenzie will remember that the abolition of the Survey and Settlement Department was very largely accelerated by the pressure put upon Government by non-official members, though I see with some nervousness that in the recent Report of the Land Records Department, proposals are made, which, if carried out, would mean the resuscitation of the old Survey and Settlement Department. I hope my alarms are not well founded, but I fear these proposals if adopted would do away with the good work which was done with the abolition of that Department.

Then, Your Excellency, if the Hon. Sir John Muir Mackenzie will allow me, I will draw attention to the efforts made by the Hon. Mr. Parekh in bringing to the notice of Government the way in which famine measures were administered in some of the *talukas* which he represented. We were told in this Council that the statements were exaggerated, if not altogether unfounded. Lord Northcote, the then Governor, told Mr. Parekh that if his statements and allegations were in any way well founded, he should present them in the shape of a statement and prove them. The Hon. Mr. Parekh with a persistency and tenacity all his own did so and collected a mass of facts, with the result that Government appointed Mr. E. Maconochie, then, I believe, serving the Government of India, to conduct an inquiry. The inquiry was held—and speaking from memory—I think I am correct in saying that many of the allegations and statements regarding the hardships suffered by *ryots* were borne out by the view which Mr. Maconochie took in his Report. His Report went up to the Collector with the inevitable result that he was convinced that Mr. Maconochie was all wrong. It next went up to the Commissioner, who happened to be Sir Frederick Lely, and though he said that several of the statements were exaggerated, he wound up as follows :—

'The Commissioner thinks the inquiry has done good by bringing to light irregularities which may now be rectified for the future. It has also shown that even the superior authorities

did not thoroughly realise the deterioration of the *taluka* and its consequent inability to stand the shock of famine. This has since been represented to Government in Mr. Mehta's Revision Report and its forwarding memoranda. It is creditable to the public officers of the *taluka* that so little real hardship has been proved or even alleged. The Aval Karkun Himatram Ganpatram has incurred suspicion, but in the Commissioner's judgment there is not sufficient ground for punishing him. Others, including many *talatis*, have made mistakes, some from sheer stupidity, some from excess of zeal in carrying out what they thought the wishes of Government, and some through overwork at a very difficult time. Further than this the Commissioner does not think it is possible to go."

I may point out that Government did go a little further and said that taken as a whole the Hon. Mr. Parekh's statements were not really satisfactorily proved. But in a case of this character it is to the Report of an independent Commissioner and to the Report of the Commissioner of the Division, Sir Frederick Lely, that we should look for judgment in the future. There is no doubt, however, that Mr. Parekh did very valuable service when he brought to the attention of Government the hardships which were inflicted upon the poor *rayats* in the *taluka*. I am glad to be able to acknowledge that as a result of what Mr. Parekh did, Government though it shook its head at him took strong measures to prevent any such thing recurring in future.

There is one other point to which I will refer in regard to the land-revenue administration. I have said that it is with surprise that I have read of the claim which has been put forward by revenue-officials of the Presidency that they are the protectors of the interests of the *rayats* rather than the non-official members of the Council. Your Excellency, whoever will read the record of the proceedings of this Council of 1901 relating to the Land-Revenue Code Amendment Bill will see that it was the non-official members who fought the battle of the *rayats* against the officials in this Council. That Bill, which was subsequently passed, endeavoured to assume that the State was the sole landlord of the soil in the Province. But the older class of administrators from Mountstuart Elphinstone downwards had always admitted that Government had '*Rajbhag*' or were joint-landlords and entitled to a certain share of land-revenue only. They never asserted that the State was the sole landlord in the Province. The Land-Revenue Code Amendment Act tried to assert that Government was the sole landlord and we fought against that. It was never meant by the stalwart administrators of old that the soil of the Province should pass into the hands of a class of agricultural tenants who should hold land temporarily during restricted periods of short leases. The old system was that which the State itself impressed upon the occupancy of the land, a permanent tenure hereditable and transferable. It gave dignity, self-respect and status to the *rayat*, and the Act really aimed to destroy that status, and we fought as hard as we could against such a revolutionary project as the Bombay Government then entertained. We have been twitted with doing what had never been heard of, namely, with withdrawing from the Council on that occasion. But, My Lord, the non-official members did this in consequence of the way in which the Bill was pushed through this Council. The only Council which

has ever met at Mahableshwar was to introduce this Bill in hot haste. By a suspension of standing orders it was pushed on early in the rains in the Poona sessions, and the deliberate object of this haste was stated by the Revenue Member* in charge of the Bill to be to take advantage of the forfeitures which would necessarily occur in the stress of the famine that was then raging. We prayed to Government not to push on a Bill of that magnitude with such haste. There was, however, such a growing agitation against the measure in the Presidency that ultimately Government had to issue a resolution stating that they were not going to take advantage of famine conditions and make forfeitures and issue restricted short leases which they were asked by the Bill to legalise. As the Bill was to be pushed through in that manner we resolved not to take any further part in it. I am glad to say that our efforts in that direction have not altogether proved in vain. The agitation which then took place and the expression of feelings of all classes of the people have led the Bombay Government to adopt a wise policy of not working the Act to any large extent to forfeit occupancy rights and grant short term leases. I have more than once asked Government for a report showing the action taken by them in that respect, and in 1906-07 I was very glad to see from the report of the Government that their action was very wisely restricted. Your Excellency, our efforts to stop that legislation was not successful, but ultimately Government saw the wisdom of not pushing the thing too far.

Your Excellency, I had intended to say a word with regard to the efforts and action of the non-official members with regard to another branch of the administration, namely, Excise. But I approach that question with a great deal of trepidation. I see that looseness of statement does not go unpunished. I have not had the opportunity of referring to papers and documents as I could have wished, and I think I would fight shy of that perilous question. But one thing I may be permitted to point out, and it is that though it is perfectly true that the abolition of drink cannot be the aim of Government, still the point of view from which the question of Indian temperance is necessarily looked at by people in this country is different from the point of view which is held in more temperate climes where drinking—moderate or excessive—has been a part of the life of its people. Not only the question presents itself in a different manner altogether, but the large majority of the population—Hindu and Mohammedan population—all hold that drink is a religious prohibition. They approach the question from that point of view. It is not a question of restricting excess. But in India the question is the passing away from total abstinence to a gradual increase in the vice of drunkenness. I think it is one of the questions in which Indian temperance reformers cannot but view with alarm the introduction of the vice among the poorer classes. I am glad to see that Your Excellency's Government is in full harmony with the views of those who think that the cause of temperance should be advanced as steadily and as strongly as possible, and I have no doubt that under Your Excellency's sympathetic guidance

* Sir James Monteath

the action of the department will tend to the direction in which measures will be taken to prevent the increase and growth of the vice which is abhorrent to the sentiments of the people of this country.

Your Excellency, I have been already too long. I hope I have shown sufficiently that the efforts of the non-official members have not been altogether in vain since the Reform Act of 1893 came into existence. This brief review of past history is calculated to inspire hope for the future.

And I confidently trust that under Your Excellency's liberal, high-minded and sympathetic guidance the extended Council which will now come into operation will have before it a future as beneficial and brilliant, nay, more so than has been the case in the past. The curtain is falling upon the present Council and I wished very much that there had been a word of appreciation from my honourable friend Sir John Muir Mackenzie in presenting the Budget to cheer us on for the future.

However that may be, I am sanguine from past experience that the country may well expect that under the new India Councils Bill just passed, the non-official members will devote themselves to promote its best interests with patience, with sobriety and with unselfish integrity of purpose.

BOMBAY MUNICIPAL CORPORATION.

LORD MINTO'S VICEROYALTY, HIS REFORMS, AND HIS DEATH.

At the Meeting of the Bombay Corporation held on 16th September 1909, the Hon. Sir Pherozeshah in proposing that an Address be presented to H. E. Lord Minto, Viceroy and Governor-General of India, on his approaching visit to Bombay, spoke as follows.

Mr. President,—It was with a feeling of great joy and satisfaction that we received the news that His Excellency Lord Minto was shortly to visit Bombay which claims to be the first city in India. Even on most ordinary occasions this city would be ready to accord a loyal and cordial welcome to the representative of His Imperial Majesty the King-Emperor, but I venture to say that this occasion is not an ordinary one. Lord Minto will come to us with a high reputation as statesman and administrator. He takes rank with some of the greatest Indian Viceroys whose administrations have left permanent landmarks in the history of India. I think all members will agree with me when I say that Lord Minto's Viceroyalty will prove to be one of the most memorable Viceroyalties in the annals of British rule in this country. I remember that on one occasion Sir Raymond West in a Convocation Address pointed out that the strength and greatness of English character were described in those well-known lines of Goldsmith –

> Pride in their port, defiance in their eye,
> I see the lords of human kind pass by.

I have always felt that the greatness of the English nation does not lie in its power of defiance but it consists in the lofty and thoughtful conception of moral and political life which is illustrative of so many distinguished Englishmen. It seems to me that Lord Minto could well claim to rank with most of the illustrious Englishmen of that type. I am perfectly certain that the great measure of Reforms which he has introduced in the administration of India will be the means and source of doing infinite good to the progress and welfare of the people of this country. It has always been a matter of wonder to me, how men, at first totally unacquainted with Indian affairs and unconversant with their details, should ultimately come to grasp so difficult, complex and delicate a problem of Indian life, as has been done by Lord Morley, the Secretary of State, and Lord Minto. We cannot sufficiently admire the firmness and the courage with which Lord Minto grappled the situation which existed when he first arrived in this country. It was a time which caused deep concern and profound anxiety to most thoughtful minds. But the new Viceroy grasped the situation with the firmness and courage of a real stateman and won the esteem and admiration of all. It is to honour such a liberal and noble-minded Viceroy that I have brought forward this motion to which, I have no doubt, you will accord your unanimous acceptance.

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The Bombay Corporation at its Meeting on 9th March 1914 unanimously voted a Resolution of Condolence to Lady Minto in her bereavement caused by the death of her illustrious husband Lord Minto, the late Viceroy and Governor-General of India. In moving the Resolution Sir Pherozeshah said :—

Mr. President,—In common with every part of the country, the members of the Municipal Corporation of Bombay, as representing all the communities and castes of the city, have heard with deepest feelings of regret and sorrow the news of the death of the late Viceroy and Governor-General of India, Lord Minto. In giving expression to our poignant sorrow and grief, I do not think it is necessary for me to go into the circumstances, the qualities and achievements in consequence of which the late Lord Minto got his place in the hearts of the people of India. The Corporation had expressed its views in that respect when Lord Minto left these shores, and recently the whole Press of India has dwelt upon his important and valuable work so exhaustively and so thoroughly that I do not think I should take up any time of the Corporation by going into any accounts of his great achievements as a statesman and an administrator. I have often said and I would like to repeat it once more, that at the juncture at which Lord Minto assumed the office of the Viceroy and Governor-General, it was a most fortunate circumstance for the people of India and for their welfare that they had as Secretary of State an eminent and liberal statesman in Lord Morley. I verily believe that were it not for Lord Morley at the head of affairs in England and Lord Minto in India, we would not have been at the present day politically in that condition in which we are and on which we are congratulating ourselves. I do not think that India would have made an onward march towards political progress were it not for the

position and influence of the two great statesmen who were responsible for the introduction of the new reforms in India. I do not think that the Indian Councils Reform Act would have been carried in England and India were it not for the way in which Lord Minto recommended the reform and the manner in which those recommendations were received by Lord Morley. It is for this reason that the whole country, if I may say so, is mourning to-day the death of that sympathetic and liberal-minded ruler. All we could do now is to express our respect and admiration in which we held Lord Minto whose memory, I am sure, will be enshrined in every Indian heart. We could only, at this sad moment, send our heartfelt condolences to the widow who took an active and valuable part in the welfare of the women of this country and who stood, shoulder to shoulder, by the side of her illustrious husband, during a strenuous and memorable period of administration.

ENTERTAINMENT TO MR. AND MRS. RAMSAY MACDONALD.

ANGLO-INDIAN JOURNALISM.—LABOUR PARTY AND INDIAN QUESTIONS.

The Bombay Presidency Association gave an afternoon Entertainment on 26th November 1909, in honour of Mr. Ramsay Macdonald, M.P., the great Labour Leader, and Mrs. Macdonald. The Hon. Sir Pherozeshah addressed the Meeting as follows.

Ladies and Gentlemen,—You all know why we have met here this afternoon. We have assembled on this occasion to accord a cordial welcome and at the same time to give a hearty send-off to Mr. and Mrs. Ramsay Macdonald for they are leaving Bombay for England by to-morrow's mail. I am sure you are all glad to meet a man in the position of Mr. Macdonald who is a prominent and influential member of the great Labour Party in the House of Commons. He has travelled much and studied much. He came to India to see what sort of country or continent it is and to study its economical and political problems. I do not want to run the guest of the evening into giving his opinions on political questions. It is very difficult to do so when the atmosphere both in England and in India is at the present day surcharged with political electricity. I'll just refer to the papers recently published on the enlarged Councils and say that I feel it to be my duty to allude to the complaints that have been made against one drawback of the whole scheme. It is an anomalous position that has been created that a community* which forms only one-fifth of the total ponulation of the country, should have on the new Councils representatives out of all proportion to its number. This defect is quite apparent to everybody and I wish no cause had been given for the dissatisfaction which it has raised on account of the inequality of treatment.

* The Mahomedan Community.

Ladies and gentlemen, I should also like to refer to an interview which Mr. Macdonald recently gave to a press representative. The attitude of these Anglo-Indian papers is quite inconsistent. If a visitor came to this country and expressed his views in accord with their own, then they would say that a Daniel had come to judgment. In that case it did not matter at all whether the globe-trotter had been all over India in half a dozen weeks or not. But if the visitor had the misfortune of forming an opinion of Indian problems which did not agree with the views of the Anglo-Indian Press, then the man would be put down as a monster of ignorance, who, after only a six-months-and-two-days' tour in this country, had the presumption to form and express an opinion on Indian matters on which he was quite unenlightened and with which he was altogether unacquainted. This has happened in the case of Mr. Macdonald who has been cried down by the Anglo-Indian Press for venturing to give expression to his views on Indian questions after a very short sojourn in this land. From a recent telegram we have learnt how M. Jaurès,* the leader of the French Socialists, has approved of the policy of the great statesmen, Lords Morley and Minto. I agree with the sentiments expressed by M. Jaurès but what I wish to emphasise is the inconsistent attitude of the Anglo-Indian Press. The leader of the French Socialists has never come to this country yet the Anglo-Indian Press hailed him as a Daniel who had come to judgment, simply because his views happened to agree with those of their own. I have quoted this incident only to show you that the attitude of these journalists at times is as inconsistent and strange as it is incomprehensible to most of their readers.†

Ladies and gentlemen, as you are aware, the guest of the evening is going back to his own country where the atmosphere is, as I have already said, surcharged with political electricity. The party to which he belongs has to fight a tremendous battle. It has taken many a long and weary years to fructify the seeds which were sown by the great Reform Bill,‡ but the Labour Party is now gradually growing in its power and its influence which already extends to a very wide area. The conflict between the Labour Party and the other side is fraught with tremendous interest to India; for it would be on the Labour Party that would depend how the destinies of this country would be made and modified with the progress and advancement of the times.

And now, ladies and gentlemen, it only remains for me to ask you to drink to the good health of our guests of the evening, Mr. and Mrs. Ramsay Macdonald. We wish them long life and prosperity and a safe and speedy return to their native country.

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* He was assassinated in Paris in 1914.

† Another description of the Anglo Indian Press, given by Mr. Jitendra Lal Banerji at the Calcutta Congress of 1911, is worth quoting. Said Mr. Banerji:—"They, like the plague and malaria, are always with us, not casual visitors, but permanent and prominent factors to be reckoned with, and we have to reckon with their loves and their hates. For my part I confess, I frankly prefer their hatred to their love."

‡ Of 1832.

BOMBAY UNIVERSITY.

THE ARTS COURSE. GOVERNMENT INTERVENTION.

Sir Alexander Grant, Bart., the great educationist, in an Address delivered in Bombay in the early sixties, plainly told Sir Bartle Frere, the then Governor of Bombay, that it was "unwise and impolitic that the Government should directly interfere with the work of the University Senate after it had been once formed." This golden advice was steadfastly adhered to by successive Viceroys and Governors until the advent of Lord Curzon whose imperialistic policy unfortunately led to his interference with the independence and integrity of Indian Universities by the appointment of the University Commission and the passing of the Indian Universites Act of 1904. Sir George Clarke, another autocrat, a disciple of that Imperial Dictator, landed in Bombay in the latter part of 1907, with administrative conceptions akin to the Curzonian school of thought. Within a short time of his assuming the reins of Government, he caused a letter to be written, by the Secretary to Government, to the Registrar of the Bombay University, in which it was stated that the Governor-in-Council was strongly of opinion that a revision of the then existing University curriculum was "imperatively demanded." "Viewed as a whole," the letter continued, "the general result presents the appearance of patchwork, illogical in many respects, and plainly inadequate to meet the demands of the present day." "Other changes," the letter proceeded, "of method and procedure also appear to be needed in order that intellectual training, rather than the accumulation of ill-digested knowledge, may become the primary aim of the University." The letter then submitted certain proposals for the consideration of the Senate, chief of which were:—

(1) *That the Matriculation Examination "which was becoming unwieldy and was open to serious objections" should be abolished and the Colleges should conduct their own Matriculation Examinations;*

(2) *That the Previous Examination should be exchanged for College Examinations to test progress during the first year;*

(3) *That for the College Entrance Examinations, the subjects of Chemistry and Astronomy should be eliminated;*

(4) *That Science should be excluded from the B. A. Curriculum;*

(5) *That no degree should be conferred on any student who does not possess a sound knowledge of the broad outlines of Indian History from the beginning of the Moghul period to the establishment of British Rule, and also of the general principles of British administration in the present day.*

The letter also prescribed courses for the various University Examinations, with the different subjects which they should embrace, and concluded that "the Governor-in-Council was well aware of the difficulties which must attend so drastic

a revision of the University curriculum as, in his opinion, was urgently required, and he fully recognised that the essential reforms must be carried out."

The University Senate, thereupon, at its Meeting on 3rd March 1909, appointed a Committee to consider and report on the proposals contained in the aforesaid letter. The Committee held 13 meetings and in its Report submitted—

(1) That the Matriculation Examination should be retained as part of the system of examinations conducted by the University ;

(2) That the Previous Examination should be retained because it formed the point of bifurcation for the Arts, Professional and Scientific studies ;

(3) That Chemistry and Astronomy should be retained in the Matriculation Examination ;

(4) That the omission of Science from the B. A. course could not be justified ;

(5) That History should be made a compulsory subject of study in the Examination for the degree of B. A.

The Committee partly agreed and partly disagreed with Government in the matter of the courses prescribed for the various University Examinations.

The Committee consisted of 19 members. The Report was signed by 6 members while a joint minute of dissent was also submitted to the Senate signed by 7 members,—a greater number than the signatories of the Report.

The reader may have easily perceived that the object of Sir George Clarke was to bring the University to surrender itself to the sweet will of the Government, and though his letter looked, at first sight, like the innocent flower, it had the serpent—a very venomous serpent—hidden under it. The Governor is, ex officio, the Chancellor of the University, and had all the suggestions and demands, contained in the letter, come to the University from the Governor, in his capacity as the Chancellor, there would not have been any serious objection to it ; but as it was, it was clearly a case of high-handedness on the part of Government who wanted to treat the University as a Department of the State. But thanks to the powerful debating and persuasive powers of Sir Pherozeshah Mehta, who fought hard against the interference of Government, day after day, that, in the end, the University came off victorious to a certain extent. The subject was particularly fitted for the display of all his powers of eloquence and never were they displayed with greater skill, force and vehemence. He had to overcome many prejudices and obstacles but he drew his strength from the principle for which he fought, for which he was many a times applauded by a listening Senate, and those who opposed him most, opposed him less than they admired. him for his earnestness, his honesty and his independence.

It is regrettable that the newspapers of the day gave only a meagre report of Sir Pherozeshah's speeches on this important question, and what follows is all that is available on the subject.

A Meeting of the Senate of the Bombay University was held on 15th January 1910, the Hon. Sir N. G. Chandavarkar, the Vice-Chancellor, presiding. The following Proposition stood in the name of Sir Pherozeshah Mehta :—

1. That the letter of Government and the Report of the Committee be recorded.

2 That the Senate agree with the conclusions of the Committee set forth in paragraph 5 of the Report regarding the abolition of the Matriculation Examination,

3. That the Senate approve of the recommendation of the Committee contained in the 8th paragraph of the Report for the improvement of the course for the Matriculation Examination and request the Syndicate to take early steps to obtain thereon opinions of High Schools and Colleges and the Faculties of Arts, Law, Medicine and Engineering and to place them before the Senate with their own recommendations,

4. That the Senate agree with the conclusions of the Committee contained in the 6th, 7th and 9th paragraphs of the Report that the Previous Examination should be retained and that it should be held in September,

5. That the Senate agree with the conclusions of the Committee contained in the 12th and 16th paragraphs of the Report as to the Intermediate Arts Course and the Intermediate Science Course,

6. That the Senate agree with the conclusion of the Committee contained in paragraph 17 of the Report,

7. That the Senate agree with the conclusions of the Committee contained in paragraphs 19 to 23 regarding the B.A. and B.Sc. courses,

8. That the Senate agree with the recommendation of the Committee in paragraph 24 for awarding Honours degrees in the B.A. and B.Sc. Examinations,

9. That the Senate agree with the recommendation of the Committee contained in paragraph 26 of the Report and in the institution of M.Sc. degree,

10. That the Senate agree with the opinion of the Committee that the age limit of 16 for the Matriculation Examination should not be increased,

11. That, in reference to paragraph 12 of the letter of Government, the Senate request the Syndicate to frame and submit to the Senate regulations for carrying out the changes in the Science courses proposed in the Report.

JUMBLE OF A REPORT.

The Hon. Sir Pherozeshah said, in proceeding to lay before the Senate the Resolution of which he had given notice, he could not help feeling that he stood before his colleagues that day an object of some amusement, of some perplexity, and, he hoped, of a little commiseration; for in the whole history of the Senate, he believed, a Fellow had never had to stand in the position in which he stood that day and had never had the task of laying before the Senate a more extraordinary jumble of a report than was contained in the remarkable document that was before them.

The main Report of the Committee was signed by six members, and there was a dissenting minute which had been ostensibly signed by seven members. Now, if the majority was substantially seven over six, then the signatories to the dissenting minute could have well claimed it to be the main Report. But that they should submit in spite of the numbers to call themselves dissenters was a mystery which, he thought, the Senate had a right to demand from all members of the Committee to unfold. He would unfold it to them as he proceeded in his remarks at some length. At present he would content himself by saying that Lars Porsena of Clusium—if his friend Dr. Harold Mann would allow him to speak of him under an Etruscan or Latin name— swore a big oath—"by the Nine Gods he swore"—that the minority of the Committee, though defeated on almost every conclusion which was arrived at by the Committee must masquerade before the public and the Senate as the majority. Like the Wandering Jew he wandered, walked to and fro, up and down, captured a member of the Committee here and captured a member of the Committee there; and his successful achievement was his capture of his gallant friend Major Street, whom he persuaded to sign the dissenting minute, but who being a man, as the speaker knew, of firm and sturdy convictions, would not sign the dissenting minute without attaching a dissenting minute to that dissenting minute. (Laughter). This was a phenomenon which he would have occasion to explain as he proceeded with his remarks.

COMPLETE MISUNDERSTANDING.

But before he tackled this amazing conundrum which was set before them by the dissenters, there was one thing which he wanted to bring before the Senate for their preliminary consideration. It was of very great importance to point out that the letter of Government which they had met there to consider was a letter which had been addressed to them under a complete and palpable misunderstanding. In the eleventh paragraph of their letter Government said that they had made the proposals under consideration for the efficiency of higher education in this Presidency, in reply to the request made by the Senate in their letter of the 8th August last. If they turned to that letter it was perfectly clear that Government were under a complete misapprehension. The misapprehension was of an extremely vital character because the Senate did not invite any proposals from the Governor-in-Council; but they made it quite clear that the assistance they sought was his assistance as a Chancellor—or not even as a Chancellor— but as a gentleman whose attainments and qualifications were of a character which would enable the sub-committee of the Syndicate which was revising the Science course of the Intermediate Examination, to receive valuable help from him. This was a very serious misunderstanding on which the letter of Government was based. He called it very serious, because he considered that the direct interference of Government in the work of the Senate was unfortunate and undesirable, and was as unwise as it was impolitic. This kind of interference was considered undesirable when the Senate was composed of 200 members—officials and non-officials who were all nominated by Government. He well remembered a public

Address given in the Town Hall of Bombay by one of the most distinguished Vice-Chancellors they ever had—who was a Principal of the Elphinstone College, and who held for a time the post of Director of Public Instruction in this Presidency, and who retired only from that post on his getting an appointment in Edinburgh University *—he meant Sir Alexander Grant. In that Address Sir Alexander directly and plainly told the then Governor of Bombay, Sir Bartle Frere, that it was unwise and impolitic that the Government should directly interfere with the work of the Senate after it had been once formed. It was an advice which was accepted by Sir Bartle Frere in the spirit in which it was given. But the advice was doubly weighty now when the Senate had been reorganised, as it had been, under Lord Curzon's Indian Universities Act of 1904. The Senate now consisted of one hundred ordinary members besides *ex-officio* members—of whom eighty were nominated by the Chancellor and twenty were elected in different ways. The eighty members nominated by Government were picked men—the best educational authorities available in the educational and other Government departments. Besides these there were *ex officio* members including the Director of Public Instruction, who was *ex officio* vice-chairman of the Syndicate. Again, the Syndicate was composed of a certain fixed element. Having got the Senate composed in this manner, Sir Pherozeshah put it to the Fellows of the Senate whether it was not right, wise and constitutional that they should be allowed without any direct interference from Government to work out the principles and details of the educational system in a manner that was considered to be the best by the deliberate and collective wisdom of that body? It should be remembered that there was a legal power placed in the hands of Government for the purpose of checking and restraining the action of the Senate, namely, the final sanction. They were aware that when the late Vice-Chancellor,† who was also Director of Public Instruction, first got the letter of Government with regard to the proposed school of science, he was startled at what he thought might be a sort of dictation to the Senate, and said that Government had no right to interfere with the work of the University except in the way provided by law, namely, that they might either sanction or refuse to sanction a proposal of the Senate. Under these circumstances he for one deplored grievously that the Government should think it right to come before the Senate with proposals of the character embodied in their letter—proposals not only involving wide general principles, but also affecting absolutely the syllabus in the curricula which the University had to set down in different degrees and examinations. He could not help thinking that every Fellow of the Senate must to a certain extent feel that organised as that body was it would be far better for the integrity and independence of the University to allow educational men to bring forward proposals in their capacity as Fellows of the University in the first instance and then send them to the Governor-in-Council for his sanction.

* Sir Alexander Grant retired from Bombay on his being appointed Principal of the Edinburgh University in 1868.

† Dr. F. G. Selby, M.A. (Oxon.), Hon. LL.D. (Bomb.)

DELIBERATION IN COMMITTEE.

He now came to the contemplation of the extraordinary document which was before them. To his mind it was extraordinary and perplexing in the extreme. He did not want to make any reflection which might not be properly founded; but he did not know whether the position in which the Government placed the Fellows of the University, might not be the cause of the great embarrassment reflected in the document. He had told them how the document was signed, and he might now inform them that each and every conclusion embodied in the Report had been the conclusion arrived at by a majority of the Committee, and that too more than once. He spoke with feeling on this subject because the signatories to the minutes had not treated their colleagues on the Committee fairly. It was at his suggestion that the Vice-Chancellor, the Director of Public Instruction, the Rev. Dr. Mackichan and the Rev. Fr. Dreckmann were appointed a sub-committee to draft a Report on the conclusions of the Committee. As a matter of fact the Report before them was drafted by these gentlemen and he believed the Vice-Chancellor would bear him out when he said that the original draft which was afterwards altered in various ways was in the hands of the Vice-Chancellor himself. The first subject considered was the proposal of Government to abolish the Matriculation Examination and to make it over to the colleges. There was a great deal of discussion on the subject and the result was that the proposal was negatived by 11 votes to 4. He thought among those who were in favour of the retention of the Matriculation Examination were the Vice-Chancellor and the Hon. Mr. Sharp. In passing that Resolution it was recognised in the Committee that the course laid down for the Matriculation needed careful revision; and a proposition to that effect was also passed. The question was reconsidered a third time at a meeting when the speaker was not present and when it was again resolved that the Resolution passed in March last for the retention of the Matriculation should be adhered to. What was the dissenting minute now? It was that a Committee should be appointed for the purpose of considering three points: (1) recognition of other examinations, (2) introduction of alternative subjects and (3) transferring the conduct of the Matriculation Examination to a board composed of the Principals of the Arts colleges. It was with regard to this that the signatories to the main document had reason to complain that they had not been treated fairly. He asked, did they ever lay this suggestion for the consideration of the Committee? He was tempted to use another allegory and say that Dr. Mann acted like David when he ran into the cave of Adullam where "everyone that was in distress .... and everyone that was discontented gathered themselves unto him." The cave of Adullam that he had formed was presented in this dissenting minute which was never laid before the Committee. He (the speaker) was laying the flattering unction to his soul that the worst of the matter had been over and that the fortunes of the Matriculation Examination were at least safe to a certain extent. But he could not describe to them his surprise when he found in the notices of amendments one from the Hon. Mr. Sharp asking to do away with the Matriculation Exa-

mination as a University examination. He frankly said he did not believe his eyes when he read that amendment. After the various stages that Mr. Sharp had gone through in discussing the question, one would expect him not to waver or shuffle at every turn of the mind. He spoke with some amount of bitterness. He confessed it frankly, because he had better hopes from Mr. Sharp, who, he knew, had a level head, and who could bring to the deliberation of this question an amount of ability and experience which was possessed by few.

PREVIOUS EXAMINATION.

Then he would come to the important question before the Committee with regard to the Previous Examination. There was a greater difference of opinion with regard to this subject than with regard to the Matriculation Examination. The first meeting which considered that question resolved by a majority of 9 to 4 that the P. E. being the point of bifurcation of the Arts and other professional and scientific studies should be retained. He charged Mr. Sharp with having misled them with regard to the P. E. It was resolved unanimously that to save students the strain of work and to give them the full benefit of the following vacation, the Previous Examination as well as the Intermediate Examination should be held at the end of the second term, *i.e.*, in the last half of September instead of in November as at present and that the academic year should begin in November instead of in January following. He for one did not profess to be up in the technique of the University terms. But he voted in favour of that proposition as it was a recommendation from the Hon. Mr. Sharp. It was Mr. Sharp who led them into that, and then he turned upon them and wanted to throw up the P. E. along with the Matriculation. That matter was again considered and at one meeting it was negatived. It was reformed at another, and then an attempt was made to go through a second revision of the whole conclusions of the Committee, to which he strongly opposed and the majority decided that after having come to the conclusions after great consideration, it was not necessary to consider it over again. His principal complaint against Mr. Sharp was this that he not only concurred with the conclusion to retain the P. E., but he put it in a very earnest manner that it should be held in September and the academic year should commence from November.

Then with regard to the Intermediate Arts Course it was carried by 11 against 4. As regards the retention of Science in the B.A. Course, the decision of the Committee was arrived at very carefully. He knew that when the late Vice-Chancellor explained that matter properly to the Chancellor, the latter agreed that Science should be retained in the B.A. Course. There again the dissenters completely threw them over.

GREEK AND ROMAN HISTORY.

Sir Pherozeshah next proceeded to say that the question of ancient Greek and Roman History was keenly discussed in the Committee. Some, though they

voted for it, were against a compulsory study of it, recommending some Science subject instead. The Committee ultimately came to the conclusion to retain it in the Previous Course. Mr. Dastur* had in his minute of dissent vehemently asked where was the logic of sandwiching ancient history between the courses of English and Indian Histories at the Matriculation and the B.A. Examinations with a year's intermission of historical study at the Intermediate. But Mr. Dastur was not capable of taking a view from point of view of others. Mr. Dastur had asked why ancient Greek and Roman History should be retained in the Previous Course. It should be retained because all their studies in English, French or any other language required from them at least an elementary knowledge of ancient history. As to the question of ancient Indian History, the speaker said he was as strong a Swadeshi believer as Mr. Dastur himself; but as every scholar knew it was not possible to teach ancient Indian History in the same manner as Greek or Roman History—where were the books and materials available for a proper study of ancient Indian History? He would go in for ancient Indian History, but owing to the absence of materials for a proper study of it, he would prefer ancient Greek and Roman History. He would now leave the deliberations of the Committee and the extraordinary minute of the dissenters, who in the Committee voted in quite a different manner from what they had proposed in the minute. The Committee did not discuss any single question solely on its own merit, but in connection with the whole scheme.

GOVERNMENT LETTER.

The Government proposals were of a detailed character, though the reasons given in the letter were by no means copious. The Government in their letter had stated that the basis of this curriculum had found acceptance half a century ago. It had subsequently received successive accretions as fresh demands arose, and revision as regards the B.A. degree took place about twenty years ago; but viewed as a whole, the general result presented the appearance of patchwork, illogical in many respects, and plainly inadequate to meet the demands of the present day. The Governor-in-Council did not propose to offer detailed criticisms, which the most cursory study of the University syllabus would suggest. It sufficed to point out that there were too many examinations and too many subjects in certain cases, that there was no proper division into well ordered courses and no rational continuity of study, and that consequently there had been a marked want of thoroughness. It naturally followed that the results of Higher Education in the Presidency had been disappointing. A high standard of excellence was rarely attained either on the Arts or on the Science side, and with too few exceptions, the University had not produced graduates who had evinced capacity for original work in the various branches of knowledge. The quest of marks as contrasted with the pursuit of knowledge was not peculiar to India; but a University curriculum should be so framed as to discourage the former. Then that history of the present curriculum was not fully

* Prof. Fardunjee M. Dastur M. A., the University Registrar.

given. It had been stated that the present course was settled half a century ago. That was not correct. Only a few years ago all India was stirred at the attempt at wholesale revision of the course. Had they forgotten the Universities Commission taking opinions from all parts of the country and embodying them in their Report? Did they not find in that Report every point considered in connection not only with Bombay but the whole of India? With many of the conclusions arrived at by the Commission, Sir Pherozeshah disagreed. But there was one recommendation made by the Commission to which he would draw the attention of the Senate. The Commission after a careful consideration of the whole question stated that the need of the Matriculation Examination as a University Examination was justified and added that the suggestion to abolish it was quite impracticable. He asked the Senate to ponder over that carefully considered opinion of the Universities Commission. Did any College in the Presidency give guarantee of that sort of education which, the Commission declared, must be demanded before doing away with this Examination? How many Professors were there who could give that sort of education? In Germany they came across Professors who could do so, but it was because in that country teaching had been made into a profession which carried with it dignities and emoluments. Learned men talked any amount of variations; and so the Senate as demanded by the Universities Commission, must also demand uniformity of examinations even before allowing the colleges to matriculate students. The Universities Act provided that each Senate should set itself to revising its curriculum and stated that if it did not do so, the Government would put its own curriculum instead. The Bombay Senate appointed a Committee which made a report. But nobody ever dreamt of recommending an abolition of the Matriculation Examination. This Committee, however, recommended an abolition of the Previous. Mr. Sharp agreed with the recommendations of the Committee except where it was recommended to drop the Previous, and emphatically stood out for it. It was Mr. Sharp who ultimately brought the Senate to retain that examination. Again, the Government had the legal power to reject or modify the proposals of that Committee, but they did nothing of the sort.

THE AGE LIMIT.

Coming to the question of an age limit for the Matriculation, SirPherozeshah stated that he was in favour of the limit being fixed at 16. The general public were in favour of the limit being fixed at 15; yet he never hesitated. The public feeling might be one way or the other, but when it was a question which was for the benefit of Higher Education, he did not hesitate to vote in favour of the limit being raised to 16. The Government in their letter had called the present curriculum a patchwork. But if the Government looked at it from the point of view of those who built up the present structure, they would find that the description did not fit the work.

At this stage as it was about 7-30 p. m. the Meeting was adjourned till 4-30 p. m. on 22nd January 1910.

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The adjourned Meeting of the Bombay University Senate was held on 22nd January 1910, the Hon. Sir N. G. Chandavarkar presiding.

NO PATCHWORK COURSE.

The Hon. Sir Pherozeshah continuing his address said on the last occasion he was pointing out that the history and character of the lines and principles, or if he might say so, the conception of the higher education which was afterwards embodied in the Arts Course of that University, was incorrect and misleading, and he was trying to controvert the position that the Arts Course was a patchwork course. What was called Mr. Telang's Report* was not a report in which Mr. Telang was the sole actor; but it was a report elaborately worked out by a Committee after consultation with great educational authorities, and all the questions now urged before the Senate were fully considered by that Committee.

Among others the question of reducing the number of examinations was also considered. Before going further he would impress upon the Fellows the desirability of not running away with the idea that too many examinations were a necessary evil. For his part, though not an educationist, but a person strongly and deeply interested in the educational progress of this Presidency, he was able to speak with some little

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* In the year 1888 a Committee consisting of the Hon Mr. Kashinath T. Telang, the Hon. Mr Justice H M Birdwood, the Rev D. Mackichan and Mr James Jardine, was appointed by the Bombay University Syndicate to report on the various matters connected with the curriculum prescribed for the examinations of the University in Arts. Several meetings of the Committee were devoted to a general preliminary discussion of the whole of the course at that time prescribed for the Degree of B. A. including those portions of the course which were embraced in the then Previous and First B. A. Examinations. In December 1888, the Committee submitted its Report on the various questions referred to it, the principal proposals being

(1) That the course for the B. A. be extended so as to make it one of four years,

(2) That the possessor of that degree should have a competent knowledge of the English Language and Literature, of a Classical Language and Literature and that he should have a fair command over his own vernacular language,

(3) That he should go through the valuable mental discipline which is afforded by a proper study of pure Mathematics and of the elements of Deductive Logic,

(4) That he should go through a certain course of study in the Physical and Experimental Sciences,

(5) That he should learn in some measure to appreciate the principles and methods of historic criticism and should have a fair knowledge of the History of England and of India and should have an intelligent introduction to Ancient History,

(6) That the elements of Political Economy should also form a part of the course of study of every B. A. of the University,

(7) That at each of the examinations in Arts, every candidate should be asked to translate into his own vernacular one passage in the English Language and, besides, write an essay in his own vernacular on some prescribed theme

authority as to what were the requirements of the Indian students. He hoped the Fellows would not be led away by the ideas which they might have carried from America, Germany or France, where the circumstances and conditions of student life were quite different. German higher education was essentially German. What was necessary for the habits and conditions of life of Indian students was that they should be employed in colleges so that they might not have any time for outdoor work. Their courses of study were so constructed that the whole time of the Indian students must be passed in academic studies or in the vaults of colleges. They should bear in mind that it was of the utmost importance in more ways than one that the attention of their students should be rivetted to their studies. He maintained that the P. E. was necessary for that purpose. They must also remember that the construction of their academic institutions was different from that of other countries. In their resolution upon the report of the Universities Commission the Government of India pointed this out and said that all their measures must be instituted in view of this exceptional fact of University education, namely, that the two years which in other countries were annexed to schools were annexed in India to colleges ; that was to say, the first two years were a transition period here from the school to the college. In Prussia it was different. There the gymnasium courses extended to the greater portion of the Indian College courses. They must therefore take account of this fact that their students when coming from school into college required a stricter supervision and discipline than would be otherwise necessary if they came some years later.

"ENCYCLOPÆDIC GRAMOPHONES."

Coming back to the Report of Mr. Telang's Committee, he might say that the consideration of it took a year and a half before it was finally adopted. It was twice referred back to the Syndicate and in the debate which extended over days and days together, some of the best authorities on education took part. He deplored that any one should forget for a moment the respect and gratitude which they owed to those gentlemen who bestowed their time and attention to the consideration of subjects of such great importance to the welfare of this Presidency. He deplored the tone and spirit in which his friend Mr. Dastur, for whom he had high respect, had criticised this conception so carefully considered. To him it was a matter of great pain that Mr. Dastur should have spoken of the men, who were parties to the measures which were taken in those days, as laying down vicious principles—principles which produced "noisy encyclopædic gramophones" rather than "a race of quiet, modest thinkers," and which "turned out mere smatterers and crammers and pedants." He might be allowed to say that this sort of criticism would be more compatible with the noisy gramophones whom Mr. Dastur had very properly held up to their detestation, and was not compatible with that sober modesty and thoughtfulness which should be characteristic of the modest thinkers whom he held up to their admiration. He had another complaint to make against Mr. Dastur. They knew that he was a learned gentleman and could give them sound and valuable advice as an educa-

tionist. They had great hopes of his doing so when he was appointed a member of the Committee. If Mr. Dastur spoke at all, he spoke very little in the Committee,—perhaps he did not think it worth while to throw away his advice on people who were perfectly impervious to it and who would not take advantage of it. But he must say that Mr. Dastur had more than made up for his silence in the Committee by what he had done afterwards. He did not know if every Fellow had gone through the remarkable document which also formed the ultimate dissenting minute. He did not know how it had struck the Fellows who read it, but he confessed it had struck him as an eruption of Mount Etna or Vesuvius, throwing up hot substance in the shape of undigested bits of Herbert Spencer, Frederic Harrison and Mathew Arnold, striking hard and emitting hot lava in which men like Mr. Wordsworth* and Mr. Telang were held up as people who were not worth listening to with regard to any advice which they might have given as men experienced in education and educational training.

SPECIALISATION.

The whole of Mr. Dastur's criticisms rested upon two misconceptions. The first was a complete misconception of the aim and object of University education. Nowadays, he knew it was a fashion to say that the aim and object of education was to train the intellectual faculties. Mr. Dastur himself had said it must be the development of the mind to its perfection in a natural and complete manner. In the Government letter there was also an indication of the same idea. This was neither an accurate nor complete description of the aim and object of education. He ventured to say that a more complete and more definite description would be (1) acquisition of knowledge, and (2) the training of the intellect so that knowledge might be properly and efficiently used. The two combined made up the aim and object of education. There was another fallacy in which, to his judgment, Mr. Dastur had fallen. It was partly the fallacy in which the dissenting minute of the seven dissenters also fell, but not so completely as Mr. Dastur. He said that special cultivation should be the basis of general cultivation. He (Sir Pherozeshah) denied that special cultivation ought to be the basis of general cultivation. It was impossible to have special cultivation unless they had for its basis a general cultivation, and reasons for this had been laid down time after time by authorities of the highest value. He thought it had been pointed out over and over again that at least in the first portion of their collegiate course, they must train not simply one faculty, but their education must be so constructed as to bring into cultivation all the different faculties and developed, before they could say that they had a proper reasoning faculty at all. Sir Pherozeshah then read extracts from an article in the "Edinburgh Review" written by Sir William Hamilton and also from Herbert Spencer in support of his contention. He added that the learned Vice-Chancellor himself had given expression to the same view in

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* Prof. Wordsworth was not a member of the "Telang Committee" but the latter had the advantage of having before it a Memorandum drawn up by the learned Professor and also the minutes recorded by members of the Syndicate upon it.

a lecture he addressed to law students that their specialised legal knowledge must be based upon a broad foundation of general culture.

He had already to a certain extent referred to the question of too many examinations. It had become a fashion to say—it was almost a parrot cry—that the examinations were a necessary evil and that they must not have too many examinations. This was not a proper way of looking at the examinations. They had a value of their own. An independent examination, if properly conducted, was a test which encouraged students to discipline their minds, to learn to concentrate their attention upon the analysis of a subject, and to acquire a training which was invaluable in their after life. Again, an examination was not only good for the students but it had a great value with regard to teachers and professors. They said in law that the rights of appeal were sometimes abused and that they must curtail those rights. But the great argument in favour of it was that appeals did a great deal in the way of making officers appealed against, very careful and industrious in the work which they performed. So also in the case of examinations. If they had independent examinations they would be the means of testing the work of teachers and professors in a regular and impartial manner and encouraging them to do it well.

Referring to the remarks of Government about the results of higher education in this Presidency, Sir Pherozeshah read an extract from a speech of the Hon. Mr. Sharp delivered by him at the Jubilee gathering of the Elphinstone College in praise of the Indian graduates and referred to the good work done by the Subordinate Judges. He also quoted the opinion of Mr. Giles, and drew special attention to the remark of Mr. Orange, Director of Education, to the effect that the reason why there was not a better output of their University than it was, was that at present their secondary schools were obliged to employ men who were not graduates as they were unable to pay sufficient salary to attract graduates.

ROOT OF THE EVIL.

He must not be misunderstood. He did not say that he was entirely satisfied with the output of the University. There might be and should be a much better output. But they must adapt means to ends and find out what were the real reasons which prevented further improvements and what were the measures which were needed for the purpose of effecting those improvements. It was no use depending upon curricula. No. The mischief, he admitted, was much deeper, and he hoped the Senate and everybody connected and interested in education would bear in mind that the educational progress depended not upon the number of University examinations or the courses of study in colleges but upon the condition of their high schools. ("Hear, hear.") If they wanted to improve higher education in this Presidency or improve the output of the University, they must first improve their high schools, and man and equip them in a way in which they were equipped

in other parts of the world. This was the opinion expressed by Sir Raymond West in a special minute. Without laying proper foundation of the education which their high schools gave, it would be futile to change the Arts courses.

He would not take up the time of the Senate by minutely going into the various proposals embodied in the Report and dissenting minute. They dealt with four questions: (1) Abolition or retention of the Matriculation Examination, (2) retention of the P. E. as a University examination, (3) retention of History in the compulsory course, including the ancient history —Greek and Roman—and (4) retention of Science in the B. A. course. The abolition of the Matriculation was to his mind a measure fraught with the most mischievous consequences to the progress of education in this country. He did not know what was the result of the circular letter which the Director of Public Instruction sent to the headmasters of high schools inviting their opinions on the subject. It was not the best way of inviting the unbiassed and independent opinions of headmasters of Government schools and to a certain extent of aided schools, for they must take a colour from the department to which they belonged. But even then he believed that the opinions sent were not in favour of abolishing the Matriculation. But the Director of Public Instruction would tell them more definitely about that. He could not help thinking that after all the Indians possessed one Oriental faculty which they could not get rid of—he meant extreme courtesy. It was their habit when one came and asked their opinion about something, they tried to give an opinion which would please him. He did not know if the story was known of a gentleman in the mofussil going to an official superior and informing him of an addition that had taken place to his family. It was said that when the official congratulated him on the event, the Indian gentleman said: "By your favour." (Laughter.) But the question of retaining or abolishing the Matriculation Examination was a serious one. Nothing had been adduced against it except that it was of an unwieldy character. It was not regarded by the public simply as an examination for entering into colleges, but it was also looked upon as an independent examination for the purpose of putting a stamp as a result of the high school education which the students received. A large number of students who went up for the Matriculation went up for the P.E. and Intermediate and left off on their way. There were hundred circumstances in life which prevented a matriculate or undergraduate to complete his course. That was why the great wastage took place in the course of their University examinations. But it was simply undeniable, as pointed out by Mr. Orange, that the Indian people put a value even upon the failure of an undergraduate or a student in passing a particular examination. So that the Matriculation enabled a large number of people to show to the public that they had received a certain amount of education tested and approved by the University. Moreover, it would bear most hardly upon the lady students. The time had not come when all the lady students, who took their education in schools, could prosecute their studies in colleges; and they were most anxious

that the education they had received in the high school should be tested by an independent examination and hall-marked by the University. In concluding his remarks Sir Pherozeshah called upon the members not to come to a hasty decision on the important questions before them. He said that ever since he left college, he had taken a keen interest in the education of the public and it was an irony of fate that he stood as an obstructionist, as people said, of the University Reform.

The Hon. Mr. Setalvad having seconded the Proposition, a short dicussion took place as to the procedure to be adopted in discussing the Motion. The Vice-Chancellor ruled that he would allow a general discussion on the first part of Sir Pherozeshah's Proposition and then other parts would be discussed separately. The first part of the Proposition merely asked the Senate to record the letter of Government and the Report of the Committee.

Several members having spoken, the debate was adjourned till 28th January 1910.

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The adjourned Meeting of the Bombay University Senate was held on 28th January 1910 when the debate on Sir Pherozeshah's Proposition was resumed. Several Fellows having spoken for and against it.

Sir Pherozeshah replying said he fully joined in the well-deserved tribute which was paid to the attainments of the Chancellor of their University. ("Hear, hear.") What he maintained was that it was always wise and politic for a properly constituted body to take action in a matter in which it ought to do. A similar situation was created in 1891, when the Senate took up a similar attitude at the instance of Dr. Peterson whose views were then emphasised by the "Times of India."

Sir Pherozeshah's Motion to record the Government letter and the Report of the Committee was then put to the vote and carried.

MATRICULATION EXAMINATION.

Sir Pherozeshah next moved

That the Senate agree with the conclusions of the Committee set forth in paragraph 5 of the Report regarding the abolition of the Matriculation Examination.

The Hon. Mr. D. A. Khare having seconded the Motion, Dr. A. G. Viegas moved an amendment which fell to the ground for want of a seconder and the Senate adjourned till 29th January 1910.

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The adjourned Meeting of the Senate of the Bombay University was held on 29th January when debate was resumed regarding the Matriculation Examination several members speaking for and against it.

The Senate adjourned till 4th February 1910.

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At the adjourned Meeting of the Senate on 4th February 1910 further debate took plac on Sir Pherozeshah's Motion to retain the Matriculation Examination and the Senat adjourned till 5th February 1910.

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Several Fellows having spoken at the adjourned Meeting of the Senate on 5th Februar 1910

Sir Pherozeshah in reply compared the debate with an imaginary debate on th abolition of the institution of matrimony and asked whether it would be right t abolish this institution because it led to various defects and disadvantages. The only direction, he said, in which Mr. Welinkar had suggested a change, was in regard to the introduction of variety in the subject of Science. But this did not necessitate abolition of the examination. As to the other subjects, they were taught not only in the Matriculation classes all over India, but also in Europe. Mr. Welinkar stood condemned on his own showing that he had failed in his attempt to conduct a high school on the system he advocated. He, therefore, thought that an argument of that sort coming as it did from a gentleman who had failed to work a school on such lines, could carry little weight with the Senate. Dr. Reed and Dr. Robertson had pointed out that the Matriculation served a twofold purpose which it ought not to do and that as its more appropriate function was to examine those students only who intended to enter the University, it should be handed over to the colleges. The fallacy of the argument had not been perceived, for when they said the examination was serving two purposes, they were laying down a line which did not exist. Ninety per cent. out of a hundred parents or guardians of the boys, who appeared for the examination, did not know what their boys would ultimately be fit for. They waited till they passed and then determined whether they should send them to college or not. Proceeding, Sir Pherozeshah said, to abolish the Matriculation Examination, was to disconnect the University from the colleges; but it must be remembered that the object of Lord Curzon's Universities Act was to bring the Universities and colleges closer together and to remove the separation of the University as a mere examining body from the colleges. Dr. Reed had argued that educationists in the Punjab and Bengal were against the retention of the Matriculation Examination, but Dr. Reed forgot that after a wholesale examination of the opinions of its experts, Lord Curzon's government appointed the Universities Commission in 1904, and the deliberate conclusion at which that Commission arrived, after gaining experienc ll ove the country, was that the Matriculation Examination should be retained. d

Sir Pherozeshah next referred to the constitution and the ex ners for the Matriculation Examination and said that from the statistics he had lected for the pa t ten years he found that, l aring only the vernacular and eer languages

which were not taught in the colleges, out of twenty examiners appointed by the Syndicate to hold the Matriculation Examination, seventeen were professors of colleges. He contended that practically it was the same kind of examination which Principal Covernton advocates. Sir Pherozeshah concluded by saying that he was convinced that the abolition of the Matriculation Examination would have a disastrous effect on the secondary and collegiate education of this Presidency.

On a vote being taken Sir Pherozeshah's Motion was carried by 47 votes against 17. The Senate then adjourned till 12th February 1910.

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At the adjourned Meeting of the Senate held on 12th February 1910, the Hon. Sir Pherozeshah moved his third Proposition : –

That the Senate approve of the recommendation of the Committee contained in the 8th paragraph of the Report, for the improvement of the course for the Matriculation Examination, and request the syndicate to take early steps to obtain thereon opinions of high schools and colleges and the Faculties of Arts, Law, Medicine and Engineering and to place them before the Senate with their own recommendations.

Sir Bhalchandra Krishna seconded the Proposition. There were three amendments standing in the names of three Fellows, two of which were ruled out of order and the last one was withdrawn. On the suggestion of the Rev. Father Dreckmann, the words "improvement of the course for the Matriculation Examination" in Sir Pherozeshah's Proposition were changed to "improvement of the Matriculation Examination" and the Proposition thus altered was carried.

THE PREVIOUS EXAMINATION.

The Hon. Sir Pherozeshah's fourth Proposition was—

That the Senate agree with the conclusions of the Committee contained in the 6th, 7th and 9th paragraph of the Report* that the Previous Examination should be retained and that it should be held in September.

Sir Pherozeshah said he was prepared to drop the "7th paragraph" from the Proposition if the Senate allowed him to do so. The suggestion for changing the time for holding the Examination was due to the opinion of Government that owing to the present arrangements, educational officers had too long vacations. He did not know what view Principal Covernton held in the matter, but he gathered from the views of many members of the Senate that the proposal was impracticable. As to the question of retaining the Examination, Sir Pherozeshah said Government did not want to do away with the Examination altogether, but they proposed that it should be left to the colleges to hold it themselves and even to lay down the course of study for it. He really did not see what great difference that made, because after all, the Examination must take place. The change could not be justified on the ground that there

* In the 6th paragraph of the Report, the Committee recommended the retention of the Previous Examination; in the 7th it suggested that the Examination should be held in September instead of in November, and in the 9th it laid down the course for the Examination

were too many examinations and they bore heavily upon students. The Examination at the end of the first year would remain even according to the letter of Government. The question was whether it should be taken by the colleges or by the University. Lord Curzon's Universities Act emphasised the connection—the identity—between the colleges and the University and made the University the binding girdle over the colleges, and he submitted that this new connection required that the work should be done by the University itself. As to the argument that there ought not to be too many examinations, Sir Pherozeshah pointed out that the objection was groundless inasmuch as the authorities of the Elphinstone College themselves had now introduced the system of double terminal examinations instead of the single yearly examination. He thoroughly approved of the system, and asserted that the shibboleth that examinations were a necessary evil was a fallacy. He held that an examination, badly conducted, was an evil, but if properly conducted, it served as a useful test of the work of both the students and professors and encouraged them to do it efficiently. In view of the step taken by the authorities of the Elphinstone College there was no justification for abolishing the P. E., and he asserted that it would be a far more desirable thing to have the work of the students tested at the end of the first year by a somewhat independent, or rather he should say, a supervisory authority than leave it in the hands of the colleges themselves. After referring to the circumstances under which the P. E. was instituted in the time of Sir Richard Temple for the purpose of introducing the study of Science, to the attempts made by the late Mr. Justice Ranade to introduce a system of examination by compartments, and to his subsequent failure in getting the examination abolished, Sir Pherozeshah said the reasons which actuated them then to retain the Examination still held good and they were that it was dangerous to leave the students in the first year without their looking forward to some disciplinary examination.

After reiterating his argument about the necessity of keeping the Indian students busy with their studies in their academic homes during the first year of their college career, Sir Pherozeshah next urged that by allowing the colleges to take their own examinations, an equality of standard would not be secured, as all colleges were not alike in point of efficiency. The *personnel* of colleges changed from time to time and like all human beings educational officers were subject to idiosyncrasies, prejudices, prepossessions and predilections of various sorts. In view of these things it was not difficult to perceive that the making over of the P. E. from the University into the hands of the colleges would not be a change for the better.

Rao Bahadur G. N. Nadkarni seconded the Proposition. Mr. D. G. Padhye and Dr. Mackichan then moved amendments standing in their names, both of which were lost. The Senate then adjourned till 19th February 1910.

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At the adjourned Meeting of the Senate held on 19th February 1910 further debate was resumed on the question of the retention of the Previous Examination. Several amendments

were put to the vote and lost. Dr. N. F. Surveyor then moved his Amendment—" That the Previous Examination be abolished, and the first Arts and Science examinations be held at the end of two years, and that the standard for entrance to the professional colleges shall be decided after consulting the heads of these colleges."

The Amendment being seconded and opposed further debate on it was adjourned till 25th February 1910.

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SIR PHEROZESHAH'S REPLY.

At the adjourned Meeting of the Senate held on 25th February 1910, the debate was resumed on Dr. Surveyor's Amendment, Several Fellows having spoken.

The Hon. Sir Pherozeshah, replying on the discussion, said he had been astonished at the arguments that had been discovered in favour of the abolition of the Previous. Nothing had astonished him more than the way the Hon. Mr. Sharp had kept on the same strain, telling them that he and Dr. Scott did not realise the distinction between a college and a University examination. His consolation in this ignorance was that after experience as Professor and Principal of the Elphinstone College for 26 years, Mr. Sharp had never discovered this distinction, at least as late as 1904. He hoped that members would remember the time when the Report of their Committee was before them on that occasion and in that Report was a recommendation that the Previous Examination should be abolished. The Hon. Mr. Sharp wrote in a minute to that Report: "I am in favour of retaining the present arrangement for three examinations"—that was three University examinations. That was the deliberate opinion of the Hon. Mr. Sharp in 1904. That was not an opinion formed after only a few years' experience as Director of Public Instruction but was a view formed after years of experience as Professor and Principal of the Elphinstone College. To him it was a wonderful thing that the Hon. Mr. Sharp should now bring forward his arguments about the distinction between a University and a college examination. The Previous Examination was inaugurated in 1878 and in 1894 the Senate after carefully considering whether it should be abolished, came to the conclusion that in the interests of the University, the Previous Examination should be retained, even though the opposite view had been put forward by no less an authority than the late Mr. Justice Ranade. The Amendment was not fair and straightforward because it left the bifurcation point absolutely open. If they passed the Amendment, they would abolish the Previous Examination and having previously rejected Dr. Mackichan's Amendment, they would be prevented from definitely marking the bifurcation. He had listened with the greatest respect to the remarks of the Bishop as to what happened at his own college, but though the Bishop had had experience at Oxford, he was one of those who, as the Hon. Mr. Sharp had said, discounted the Bishop's remarks because he had not had experience of Indian colleges and universities and of the conditions under which Indian students were called upon to do their work. It was on these grounds that he thought that students should not be left to themselves for two years.

Dr. Surveyor's Amendment was then put to the vote and carried by 30 votes against 29. Sir Pherozeshah demanded division, the result of which was that the voting was equal, 32 for and 32 against the Amendment.

The Vice-Chancellor having given his casting vote against the Amendment it was declared to be defeated.

The Senate adjourned till 26th February 1910.

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At the adjourned Meeting of the Senate held on 26th February 1910, Sir Pherozeshah Mehta's Resolution—part 4—viz., "that the Previous Examination should be retained and that it should be held in September," was lost, 24 voting for and 25 against it. Sir Pherozeshah asked for a division, but said he did not care whether his motions were lost or not because the Previous Examination must be retained in the absence of the passing of an amendment.

The result of the division was that Sir Pherozeshah's motion was defeated by 27 votes to 26.

Mr. Welinkar :—May I ask what is the position now?

Sir Pherozeshah :—The Previous remains.

Dr. Surveyor :—My Amendment should pass.

Sir Pherozeshah :—You are a little too late.

Mr. Padhye moved that the consideration of the whole resolution be referred back to the Syndicate. He said he thought that the result of the voting was that they were absolutely debarred from considering any of the subsequent portions of Sir Pherozeshah's Resolution because the other portions were to a certain extent based on the Previous.

Sir Pherozeshah :—How can you refer back to the Syndicate a matter that did not come from it?

The motion was ruled out of order.

Mr. Welinkar moved and Mr. Kadri seconded the motion for adjournment.

THE MEETING DISSOLVED.

Sir Pherozeshah said the view he took was this. The Senate proceeded with the consideration of recommendations made by a Committee elected by itself. That Committee recommended that the Previous should be retained for reasons given. Amendments were put for abolishing the Previous, replacing it by another examination, and other objects. Every amendment was thrown out. Lastly the original Proposition was thrown out also. Surely they all knew what was the result of that. It meant that the Senate was not going to embark on any change or pass any opinions with regard to a change. Nothing in the debate had occurred which could possibly alter the existing state of things that the Previous was a University Examination held at the end of the first year. They might throw out the Resolution but nothing could possibly affect the fact that the Previous was retained except a formal decision

of the Senate not to do so. No other amendment of that nature could now be brought forward. There was one way to obtain that object and that was the way that had been previously adopted when the question of the Matriculation was largely discussed. That was to dissolve the Meeting. To adjourn the Meeting was no good because every adjourned meeting was part of one meeting. If they dissolved the Meeting they could not proceed with the consideration of the Committee's recommendations but that did not necessarily mean shelving the matter; and it would be open to members to bring up motions on the subjects in another manner as they thought fit.

After further discussion the motion for the adjournment was defeated and a motion "That the meeting do now dissolve" was carried.

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[Soon after the dissolution of this Meeting, Sir Pherozeshah left for Europe and did not return till at the beginning of the following year, and consequently he was unable to attend several important Senate Meetings held in his absence.]

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At the Meeting of the Senate of the Bombay University held on 1st July 1911, the Hon. Sir N. G. Chandavarkar, the Vice-Chancellor, presiding, the Senate considered the Report of the Committee appointed by it on 3rd October 1910, to frame detailed regulations for the Arts courses in languages, history, philosophy and logic, and mathematics. The Rev. Dr. R. Scott moved that the Report of the Arts Committee be adopted by the Senate and in doing so submitted that it was not right that a work which had been entrusted to experts and for which the Senate held them responsible, should be handed over to a nondescript Faculty of Arts, in which there was a minority of professors, which did not meet regularly, and which proposed one method one day, another another day, and a third on the third day. The speaker then wished to refer to the new situation produced by the letter which had come from Government.

Sir Pherozeshah :—I should like to inquire whether Dr. Scott could refer to the letter which though it has been circulated among the Fellows does not form part of the agenda paper before us. In the ordinary course that letter should have gone to the Syndicate and sent up by that body to the Senate under proper notice, namely seventeen days. I submit therefore that the letter is not before the Senate as a part of the business to be transacted.

The Vice-Chancellor ruled that Dr. Scott was perfectly in order in referring to any letter which was officially or unofficially before them.

Dr. Scott having finished, the Rev. Dr. Mackichan moved as an amendment that the Report of the Committee be referred to the Faculty of Arts for its opinion.

Several Fellows having addressed the Senate, The Hon. Sir Pherozeshah said that the real reason why the labours of the Senate on the previous occasion referred to by Dr. Surveyor had abruptly come to an end owing to a motion for dissolving the meeting being carried was that an unfortunate method had then been adopted

for the purpose of revolutionising the whole work of the University by a letter of Government which had told the Senate that they had been utterly wrong in the manner in which they had been proceeding, that Government alone had known how to proceed systematically and scientifically in building up the studies of the University and that everything that had been done in the past was wrong. The idea had been an impractical one as it had been thought that it would have been desirable to introduce the proposed changes in portions. But nothing would satisfy the authorities, who wanted them to take up the whole thing at once, settle it the same day and come to an agreement according to the orders which had been laid down in that letter. Dr. Scott had advised them in a paternal way not to attribute motives to others. But it was a remarkable thing that people who asked them not to attribute motives to others were very often the people who were the readiest to attribute motives to those who disagreed with them.

Sir Pherozeshah then read a passage from Mr. Valentine Chirol's recent book on the Indian Unrest in which the latter had referred to Sir George Clarke's scheme for the revision of the University studies and remarked that though there was nothing in it to which any serious objection could be taken, "the politicians on the Senate effectively blocked the discussion." Sir Pherozeshah said he should have liked to have asked his honourable friend Mr. Sharp if he could have told them who the "politicians on the Senate" were? It was most remarkable that while they were asked not to attribute motives to those who differed from them, those who had agreed with Mr. Sharp on that occasion did not hesitate to say that it was the politicians on the Senate who had "effectively blocked the discussion." It was no use feigning false modesty but it was suggested that he (Sir Pherozeshah) as the ring-leader of the obstruction, and those who thought and worked with him were not actuated by any motives for the improvement and maintenance of the high standard of the Bombay University studies but that they had some political objects to gain by obstructing effectually those proceedings. They were the people who were now asked by Dr. Scott not to attribute motives to others.

Proceeding Sir Pherozeshah said he entirely agreed with Dr. Mackichan when he said that he thought Dr. Scott would have done well not to have spoken of the Faculty of Arts in the manner he had done. Was not Dr. Scott himself a member of that Faculty? He was; but Sir Pherozeshah took it that when Dr. Scott spoke of the members of the Faculty of Arts as "nondescripts," he modestly excluded himself. Dr. Scott now asked him to give a definition of the word "nondescripts." Well he would define it this way. Nondescripts were those people whose opinions were worth nothing and who did not work together for the purpose of giving effective results.

Referring to the amendment Sir Pherozeshah urged the Senate not to be carried away by the argument advanced by Mr. Natrajan and others that they were heartily sick of this controversy and that the matter should be expedited.

Dr. Mackichan's amendment was lost there being 32 votes for and 36 against it.

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SIR PHEROZESHAH AND THE WHIPS.

The adjourned Meeting of the Bombay University Senate was held on 17th July 1911 when the Senate resumed consideration of the Report of the Committee on the revision of the Arts Course. Mr. K. Natrajan moved the following Amendment to Dr. Scott's Proposition viz :—" That the subjects for the B. A. Examination should be English and a voluntary group and moreover that the History of England, Political and Constitutional should form part of the voluntary group ' History and Economics,' etc." The Hon Mr. G. K. Gokhale and the Hon Mr. W. H. Sharp having addressed the Senate, the Hon. Sir Pherozeshah spoke as follows.

Mr. Vice-Chancellor and Gentlemen of the Senate,—

The Honourable the Director of Public Instruction asks me if I have not on some occasions at least issued a whip. I will give an answer which will surprise Mr. Sharp, and point out how misconceptions, misimpressions and misreports are easily circulated and lightly believed with regard to the actions of people to whom one is opposed. Mr. Sharp will be surprised to hear that in the course of a public career which has extended over forty years, not only in this University, not only in the Municipality, but also in the Legislative Councils of this Country, both Imperial and Provincial, there has never been a time when I have issued a whip. And why? Because I was brought up in the historical traditions of the great beings who have guided the educational history of this Presidency, whose antecedents and traditions have been respectfully watched by people like me and who have always taught us that in a body constituted like the Senate of the University, it was wrong, improper and objectionable to issue a whip. This I have learnt from the English masters, English professors and English Directors of Public Instruction, who were the predecessors in office of Mr. Sharp, and I have tried to act up to it in the whole course of my public life. But Mr. Sharp goes further. He light-heartedly justifies the issue of the whip. He says whips are necessary for various purposes besides that of stimulating the presence of members. I should like to ask whether whips are issued not only for the purpose of stimulating their presence, but also of stimulating their conscience and their judgment. Are not whips issued for the purpose of telling them that Government are anxious or want such and such a thing to be carried? Does Mr. Sharp justify whips of this character also? Surely Mr. Sharp was not speaking like a practical man when he said that there was no harm in doing that when Government wanted a certain thing to be done. Is it necessary to tell a gentleman of Mr. Sharp's experience that a whip of this character, if it does not consciously lead people to do what perhaps their judgment would tell them is not right, would unconsciously exert upon them an immense amount of influence in the matter in regard to which the whip was issued?

GOVERNMENT INTERVENTION.

As regards the letter of Government when the first note came from them before the Senate, I had pointed out that Government were entering upon a course which was much to be deplored and that considering the organisation of the University it was not right and constitutional for Government to intervene in the manner they were doing. The Director of Public Instruction is a guide and adviser of Government in matters educational and to a certain extent represents the views of Government in such matters. From this it plainly follows that it is not right for Government to set him aside. Mr. Sharp says that he was ordered by Government to do such and such a thing. They have thus set aside their own educational adviser and told him "never mind whatever your views may be on the subject, go and tell the Senate what the views of Government are." Now, legislature does not leave Government without power. It gives them the final veto. It may be said that on a particular occasion this sort of interference on the part of the head of Government is not objectionable. That may be so; but if a practice is once established and the head of Government is allowed to interfere in the deliberations of the Senate in the manner in which His Excellency* has twice done, what guarantee is there that his successor, who may not have the same high qualifications which we all admit the present head of the administration possesses, will not do that over and over again? The result in such a case will be most mischievous and highly detrimental to the best interests of the University and the educational progress of this Presidency.

The debate at this stage was adjourned.

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The adjourned Meeting of the Senate was held on 28th July 1911, when Sir Pherozeshah continued his address. He said:—

Mr. Vice-Chancellor and Gentlemen of the Senate,—

When we parted at the last meeting, I was speaking about the intervention of Government into University matters. I submit, gentlemen, that Mr. Natrajan has utterly failed to perceive that the action of Government has prevented and still prevents us from approaching the consideration of the question on its merits. That is where the real constitutional objection lies. I will ask Mr. Sharp whether, after the whip he has issued, he still thinks that the decision of the Senate will not be affected by the express desire of Government in regard to it. I can hardly bring myself quite to understand the position which a gentleman in the position of the Director of Public Instruction takes up in a matter of this sort when he tries to justify a whip of the character which Mr. Gokhale has described—a whip which is unknown even to the British Parliamentary Institution. It is said that this whip enables Government to bring this question before the Senate to be thrashed out

* Lord Sydenham, then Sir George Clarke

in a manner in which it was never done before. I ask Mr. Sharp if the same object cannot be attained without a breach of constitutional duty? If the Director of Public Instruction, who is an *ex officio* representative of Government on this Board, had given a notice of motion, would not the whole question have been thrashed out to as large an extent as Government or anybody else might desire? Therefore it is that I maintain in spite of what Mr. Natrajan, or the Times of India, or anybody else might say, that we have been disabled by the action which Government has taken from approaching the consideration of this question on its simple merits.

SPECIALISATION.

Now, coming to the merits of the question, what Mr. Natrajan's amendment means is in one word, specialisation. It means that we should not ask the students to study too many subjects. Now, as I have pointed out on a previous occasion this cry of specialisation is not recognised as a right educational policy. Mr. Natrajan and others have stated that all this was in consonance with the acknowledged tenets and principles upon which education was conducted in other countries; but I absolutely challenge that assertion. It is quite incorrect. The highest educational authorities in England and America and on the Continent maintain that specialisation must come at a later stage and must be founded on a broad and general culture. This was also the opinion of our late Vice-Chancellor, Dr. Selby, who in his Convocation address said a few years ago: "The enemy that I spy in the future is the specialist, and the advocate of exclusive specialisation." I say strongly and emphatically that if we specialise in the manner in which Mr. Natrajan wants us to do—namely, to prescribe one compulsory subject only and one voluntary leaving no other compulsory subject by the side of English—we would be emasculating the growth and culture of the students who would be trained under such specialising system. I have heard people talk about lightening the burden of the students. But, in my opinion there ought to be a certain amount of pressure on the minds of the students. It braces the mind just as much as physical exercise braces the muscles. It is also one of the disciplinary things which a student must go through if he wants to develop all the faculties that is latent in him.

THE STUDY OF HISTORY.

And now we come to the study of History. India, gentlemen, has been, by a wise dispensation of Providence, brought under British rule, and if this dispensation is to bear good fruit, Indians ought to be put in a position to fully understand with whom it is that they are so inextricably connected and who they are who are ruling over them. The study of the History of England is therefore of paramount importance to the people and particularly to the rising educated classes of this country. To say that we shall not allow English History to be made compulsory is to do the greatest harm to the solid connection between England and India.

It is said, gentlemen, that there should be no fear of the professorship of History being abolished in Government colleges, if English History is made a voluntary subject. I entirely believe the sincerity of Mr. Sharp's declaration in this respect, but what guarantee is there that it will be binding on future Governors and Governments? I maintain that it is not the changes in the curricula that can improve education in this country. That depends entirely upon the class of professors with which our colleges are manned. In a conversation I had with Dr. Selby some time ago, he told me that with the present salaries that are offered to professors in Government colleges, it was out of the question to get first-rate men, nay, it would be difficult for us to get even second-rate men. I hold the same view and think that unless these professors are put upon the same footing as the members of the Indian Civil Service in respect of their emoluments, there is no chance of their turning out a better class of graduates than they now do.

Mr. Natrajan's Motion was carried.

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The adjourned Meeting of the Bombay University Senate was held on 7th August 1911 when the Senate resumed consideration of the Arts curriculum.

At a late hour in the evening the Hon. Mr. C. H. Setalvad moved an adjournment till the 16th inst. Dr. Fox moved an amendment that the Meeting be adjourned till the following day.

Col. J. B. Smith proposed a second amendment that the debate be resumed at 10 o'clock that night.

Vice-Chancellor Chandavarkar :—I hope you are not serious.

Col. Smith :—I am quite serious.

Dr. Fox :—It is very inconvenient for us mofussil members to come here from time to time.

Sir Pherozeshah :—I should like to move a third amendment that this Meeting be adjourned till 10 p. m., and the sitting be continued till 5 o'clock in the morning. (Laughter). I say, I do want to move this amendment. When once the decency of the University Constitution has been violated, I ask is it a matter of surprise that in a grave body like the Senate, a proposition should be so seriously moved as the one we have just heard which shows the spirit in which this debate has been carried on.

The Vice-Chancellor :—You cannot make a speech.

Sir Pherozeshah :—I am entitled to speak. I am only characterising the spirit in which this debate has taken place. (Cries of "Order, order.")

Sir Pherozeshah's and Col. Smith's amendments were then put to the vote and lost whereas that of Dr. Fox's was carried by a large majority.

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At an adjourned Meeting of the Bombay University Senate held on 9th January 1912, the Hon. Sir N. G. Chandavarkar, the Vice-Chancellor, presiding, the Hon. Mr. W. H. Sharp moved that the then existing regulations regarding the Matriculation Examination remain in force upto the 31st December 1912, and that the revised regulations come into force thereafter. Several amendments to this Proposition being accepted,

The Hon. Sir Pherozeshah addressed the Senate. He said he believed the changes now sought to be introduced were temporary changes. It was not possible to resist them at present and the true wisdom lay in standing by and seeing the rushing torrent pass by till it exhausted itself. The Rev. Dr. Mackichan in seconding the Hon. Mr. Sharp's motion had trotted out his old horse of the systems of education followed in other countries. But he (the speaker) wondered if the Senate were aware of one interesting event that had lately taken place. The instances of Oxford and Cambridge had so often been cited that he would refer to one of these very Universities. It was true that these Universities had college examinations. But Lord Curzon as Chancellor of the University of Oxford had recently raised the question of reforms and had the matter brought before the Council of the University. And of the three cardinal reforms recommended by the Council, they gave the foremost rank to the one doing away with college examinations and introducing University examinations in their place. Sir Pherozeshah asked the Senate to pay their earnest attention to the above fact, and remarked that in substituting college and school for University examinations, the Senate were disregarding human nature. He did not doubt the integrity or honesty of school teachers but it was probable that these would concentrate their attention upon those subjects in which the students were to be examined by the University and neglect those in which they themselves were to be the examiners. And he doubted if any value or reliance would be placed upon the certificates given by the teachers. Sir Pherozeshah proceeded to say that there was an ebb and tide in these things and when the present excitement about the Examination had subsided, they would come to what they really ought to do. The Senate had passed a resolution retaining the Matriculation Examination in its present form, and now a proposal had been made which they knew they could not resist, and, which would lead to the emasculation of the students.

The Hon. Mr. Sharp's Motion being carried the Senate was adjourned.

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At the Meeting of the Senate held on 25th January 1913 the Motion for the abolition of the Previous Examination was carried several members voting against it.

FAREWELL ENTERTAINMENT TO SIR PHEROZESHAH AND LADY MEHTA, 1910.

The Hon. Sir Pherozeshah and Lady Mehta, who were proceeding to Europe on 23rd April 1910, were entertained at an afternoon party by the citizens of Bombay at the Princess Mary Victoria Gymkhana on 18th April 1910 as a mark of their appreciation of Sir Pherozeshah's eminent services to the City of Bombay. Mr. C. H. Armstrong, the President of the Reception Committee, having, in a neat little speech, wished the guests of the evening a happy bon voyage, Sir Pherozeshah, who was received with loud cheers, replied as follows.

Mr. Armstrong, Ladies and Gentlemen,—

It is a great relief to me to be assured that I am not expected or bound to return your generous kindness and hospitality by inflicting upon you a long speech. I will explain to you why it is that it is a relief to me. I am not generally supposed, as my honourable friend Mr. Armstrong has hinted, to be lacking in fluency of speech. Indeed, there are uncharitable people who wickedly insinuate that I sometimes talk too much. But I assure you, ladies and gentlemen, that there is one subject on which it is very difficult to be fluent and that is when one is lectured about oneself and when one has to reply to that lecture. If then I am not able to express my gratitude to you except in an imperfect, halting and, I may even say, nervous manner, I trust you will believe me. When I say that, I am deeply touched by these marks of your regard and appreciation of what little I may have been able to do in the course of a long life. I am specially thankful to you on this occasion for the verdict which has been so kindly and generously given expression to on your behalf by Mr. Armstrong. I remember that immediately after I began my career, I had to make a choice between entering public service—I mean official service—and entering—if I may so discriminate—the service of the public. It is not known even to some of my most intimate friends that very shortly after my return* from England after being called to the Bar, an eminent member of Government—a most broad-minded man and a man of high liberal culture—sent for me and offered me the post of first-class sub-judgeship. It was a problem that I had to solve, for though I had joined the lawyer's profession, briefs were not too frequently coming in those days and some of my friends taunted me that my income just enabled me to go to an ice-cream shop. But I unhesitatingly chose to enter the service of the public. ("Hear, hear.") And the reason why I am grateful to you for this gathering and hospitality is that you accept what I have done during the last more than forty years, as showing that I have not entirely thrown away the years without doing some little and abiding good. ("Hear, hear.") Mr. Armstrong was good enough to speak of the various spheres of activity in which I was engaged. So far as the Bombay Municipal Corporation is concerned, I have been connected with it ever since the constitution of the present system of Municipal administration, and I do take the pride to myself that the Municipal administration of the City of Bombay might vie with any

* In 1868

Municipal administration not only in India, but I venture to say, in the whole world. ("Hear, hear.") It is a very carefully considered system and the result has perfectly justified the hopes and expectations of those who augured everything best as to the way in which it would work. So far as my own Municipal labours are concerned, they are a labour of love with me. The same is the case with regard to the University of Bombay. My old and most revered friend Sir Alexander Grant got me into the Senate on my first return* from England and I have been connected with it ever since. I am glad to be able to learn that my services in this respect have not been altogether disapproved. I use the word "disapproved" because as the irony of fate would have it, in my educational experience, I have been called sometimes a revolutionist and sometimes an obstructionist. Well, I think that when one is called both, one may feel pretty sure that one is not going far wrong. My next sphere of activity has been the Legislative Council where Mr. Armstrong and myself had been for a great number of years associated. I have been a member of the reformed Council ever since it was brought into existence in 1892 and I am ashamed to say I have stuck to it up to the present moment.† My only consolation is that my kind colleagues on the Corporation have always unanimously elected me as their representative. But if I have tried to serve the public for so many years as I have done, what has it been all owing to? I confess that the spirit which led me to do so was that spirit which had been generated by the education which is one of the most precious gifts bestowed upon us by the British Rule,—a rule which has done so much for the progress and development of this country. (Applause.) This is not an occasion on which to introduce any controversial matter in my speech. But I confess that I have heard with astonishment that that education to which I owed so much, has been now-a-days called godless, and it is said that the secular education that we had received in schools and colleges, was divorced from moral and religious sanctions. I am not going to discuss that most controversial question. All I want to say is that those who have the best authority to speak on the subject—both Europeans and Indians—consider that the education that has been given to us, has been the means of instilling a loftier and nobler conception of the moral, political and social duties, than what had ever existed in this country. (Applause.) I am not going to enter into any discussion of a question of such a thorny character. I wish to make but one more remark and it is that a great deal of what little I have been able to do has been owing to—as Sir William Hunter remarked on the administration of Lord Reay—a spirit of cordial and harmonious co-operation which existed and still exists in the different communities of Bombay—European, Parsi, Hindu and Mohammedan. ("Hear, hear.") It is in consequence of this cordial and

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* This is either a mistake on Sir Pherozeshah's part or most probably his speech has been incorrectly reported. He was appointed a Fellow of the Bombay University on 3rd January 1867 whereas he returned from England on 25th September 1868.

† He was also a member of the old Bombay Legislative Council from 1887 to 1890,

harmonious relationship that is prevalent in Bombay more than in any other city in India—in Calcutta which calls itself the metropolis, but I deny its right to that (applause) or in Madras or any other city—that we owe to such a large extent the success of every movement or activity that has gone on in Bombay for the last forty years.

And now, ladies and gentlemen, I do not wish to take much of your time and will conclude by thanking you one and all most sincerely on behalf of Lady Mehta and myself for the kindness and hospitality which you have shown us. (Loud applause.)

Three cheers were then called for Sir Pherozeshah and the company dispersed.

SIR PHEROZESHAH ENTERTAINED IN LONDON.

INDIANS IN ENGLAND.

The London Union Society entertained Sir Pherozeshah and Lady Mehta on 2nd July 1910, at the Westminster Palace Hotel. Mr. Tyabji, the President of the Union, offered a welcome to the guests of the evening in reply to which

Sir Pherozeshah made play of the fact that before he entered the room, he was under the comfortable assurance that he was not required to make a speech and the call came upon him wholly by surprise. His remark that he did not pretend that he was wanting in fluency of speech on occasions, was received with loud laughter renewed when he said he saw by their mirth that some of them were inclined to think that sometimes he talked too much. But he did not intend on that occasion to yield to Mr. Tyabji's flank attack on his vanity and his reliance on the garrulity of advancing years...One thing, however, he might be permitted to say, and that was to congratulate the Society on its unifying aims. There never was a time in the history of the welfare and progress of India when it was more essential for the best and wisest men amongst them to endeavour to bring together into harmonious co-operation all the communities, great and small, of their beloved country. (Loud cheers.) He was glad indeed to find that in this country the Hindus, the Mahomedans, the Parsis and others were meeting together for the promotion of common feelings, common ideas, common views in spite of the differences between them. This was a policy with which he had been familiar from his early days; and in his humble endeavours in this direction, he was proud to have been associated with so illustrious a Mahomedan as the late lamented head of the family to which their President belonged—Mr. Justice Budruddin Tyabji (cheers) and with so eminent a Hindu citizen of Bombay as the late Mr. Justice Ranade. (Cheers.) He was glad to hear Mr. Tyabji speak of the determination of the Young Indians in this country to return to their own land possessed of the ideal of helping in its regeneration; and he could assure him that there were in India many thousands of young men, who had never left the motherland, equally public spirited and equally determined, to do their duty in promoting the prosperity, the interests and the advancement of their country. (Cheers.)

BOMBAY LEGISLATIVE COUNCIL.

A BILL FOR THE REGISTRATION OF CHARITIES.

At the Meeting of the Bombay Legislative Council held at Bombay on 26th January 1911, the Hon. Mr. Ibrahim Rahimtoola moved for leave to introduce a Bill for the Registration of Charities. The manner in which charitable endowments had been administered in this country had given rise to much dissatisfaction and complaint. The wishes of the donors who gave sums of money in charity, had in many cases not been carried out in a manner satisfactory to any one concerned. The matter had been occupying the minds of many leading Indians for a considerable time and the object of this Bill was to provide by legislation some means by which at least a reasonable probability might be secured of better administration of secular charitable endowments.

The Motion was put to the vote and carried.

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At the Meeting of the Bombay Legislative Council held on 14th March 1911, the Hon. Mr. Ibrahim Rahimtoola moved the first reading of this Bill. The Hon. Mr. T. J. Strangman, the Advocate-General, and the Hon. Mr. C. H. Setalvad having expressed their views on it, the Hon. Sir Pherozeshah spoke as follows.

May it please Your Excellency,—I must confess that my honourable friend Mr. Ibrahim has to deal with formidable antagonism to the Bill which he has placed before the Council for the first reading. He will have to meet the arguments of two of the ablest members of the Bombay Bar—men conversant with legal questions arising in connection with civil and other matters and therefore able to lay before this Council reasons of a very strong character in support of their contention that we should not proceed further with this Bill. Now, the first argument which has been advanced by them is that this is only a small portion of a very much larger question which this Council has not the power to deal with. They say that this Council cannot deal with the question of religious charities although the evil, we all admit, is very much greater in regard to them than with regard to the ordinary secular charities. Therefore they say we must not deal with a smaller portion of it and these legal gentlemen would prefer to leave it to the Imperial Council to deal with the whole question. In saying this I think both my honourable friends have forgotten that the Imperial Council has more than once tried to deal with the whole question in its fulness. I remember that when I was on the Viceroy's Council, an attempt was made by a non-official Member from Madras—the late Mr. Ananda Charlu—to deal with this question and he brought in a Bill for the purpose of dealing with the whole question of secular and religious charities in all its bearings. Opinions were invited on the Bill and, I believe, several memorials were submitted in opposition to it. After being in Council for a very long time—I believe several years—the Council had to give it up on account of the clamour and opposition raised by the great religious endowments, especially in Madras. I also know that another

attempt was made by the Hon. Dr. Rash Behary Ghose, who was one of the ablest legal members of the Viceroy's Council, at the time of the amendment of the Civil Procedure Code. Both these attempts failed because the Government of India did not feel themselves justified in grappling with the larger evil regarding religious charities. That being so, would it be right of us to expect that they will take up again the larger question including that of religious charities? I am afraid not. I am afraid that, considering the state of the religious feeling in the country, they have abandoned the former attempt to deal with it and they will not consider it well advised to take it up again. The question before the Council is whether because the Imperial Council was not able to deal with the larger question, should we not take up the smaller one and, if it is possible for us to deal with it effectively, we should not do a small amount of good even if we cannot do a greater amount of good. It seems to me that the argument founded upon the fate of the previous Bills in the Imperial Council does not preclude us from dealing with a smaller question in this Council. It was stated in the exceedingly eloquent speech of the Hon. the Advocate-General that even if this question of secular charities was to be dealt with, it would have to be dealt with for the whole country. I venture to think that the policy of dealing with this question as it affects our Presidency is the more advisable course to follow. These matters of charities are looked at by different populations in different Presidencies in their own way. There may be a strong feeling found in one Province against measures of this character. There may be peculiar circumstances in the particular Province which may cause a great deal of feeling in dealing with them; but if it is possible in a Presidency like that of Bombay where a feeling of that character would not go up to an equal pitch of excitement as in other Presidencies, I do not see why we should not deal with it in this Presidency leaving the fuller attempt to deal with the question to the development of public feeling and public opinion at different times and in different Provinces. I feel perfectly sure that if we succeed in the Bombay Presidency in dealing with this question even limited to secular charities, a precedent will be established which will encourage similiar attempts in other Provinces also. Therefore I fail to see that because we cannot deal with the whole question in a fuller manner we should not do even a small amount of good in one separate Province. But say my learned friends, in attempting to deal even with a smaller question, are you quite sure you are not raising up greater evils than the one you are attempting to remove? I confess I am rather sceptical about the force and cogency of this argument. The Hon. Mr. Setalvad warned us against the many evils that might arise. I do not think that he enumerated any except the difficulties in working out different sections of the Bill. I can admit that there may be difficulties in working out the various sections but surely it will not pass the resources of able lawyers, like the Hon. the Advocate-General and the Hon. Mr. Setalvad, so to deal with the Bill in Select Committee that the difficulties might be practically overcome and the Bill might turn out at their hands a machine for doing good without raising up any other substantial evils. I will give an instance. I myself have to a certain extent seen that there are

certain difficulties. For example, Section 2 says [Reads "In the event of there being no trustee, etc."]

I confess I see a great hardship in an enactment of this character where a person who comes into the possession of a property not as a trustee but simply in the ordinary way would be pounced upon as a trustee because somebody says that it is impressed with a trust. I see the awkwardness of an enactment of that character but surely these are matters which can be dealt with in the Select Committee. Take out the objectionable portion and frame the Bill in such a way that an innocent person would not be put in a difficult position in working it. Then there is another point. How are you to get civil questions in connection with the establishment of the trusts to be decided? I for one am prepared to admit that a Magistrate is not a proper person to determine doubtful civil questions as to the existence or non-existence of trusts. But surely if you sit down in the Select Committee, can't you find out a remedy for the purpose of dealing with the manner in which such trusts might be established? I would suggest at once that if the Magistrate is not considered to be an altogether qualified or satisfactory person to decide such questions, provision should be made for an appeal to the High Court. The Magistrate himself might be empowered to refer difficult questions to the High Court. All these matters can be dealt with in the Select Committee. It seems to me that the argument that has been brought forward would relate to a very limited number of cases. I ask them to say whether a large number of trusts would not come to be registered without much difficulty. It seems to me that there is great advantage in having these trusts registered when the question of honesty or dishonesty arises, for an honest trustee will come forward to have the trust registered, while a dishonest trustee will keep back. But there are graduations in dishonesty in these matters and one of the most subtle kind of dishonesty consists in holding back by people who have trust property, without coming to a decision whether they would work the trust or not. There are people who have left property impressed with a trust and those who have been appointed trustees will not say that they will commence business. But they will simply hold on. I have known of many cases in which charities have remained dormant, and the moment the trustees are made to see that they must bring into light the properties in charity of which they are trustees the charities are sure to be usefully carried out. Thus registration is one of the things by which a great deal of good will be done in cases where people though not actually dishonest will hold on without deciding whether they should work the charity or not. That being so, I do not see why we should not have a measure which will lead a large number of people to come forward and make an active use of the charity funds. Therefore, Your Excellency, the question for determination before the Council is whether the principle on which the Bill is based is one which should be accepted, leaving the details to be settled at subsequent stages of the progress of the Bill. At the first reading what we do is to consider whether the main principle is one which can be accepted by the Council.

Now, what is the main principle? Both the Advocate-General and the Hon. Mr. Setalvad admitted that there is an evil even in regard to secular charities; that there are trusts which are never brought to light and never worked. I venture to say that my honourable friend Mr. Ibrahim contends for this principle that legislation should come forward for the protection of those charities. Is the Council prepared to give that protection, though the good is not so extensive and though religious charities which are far more numerous than secular ones cannot be included in the Bill? Registration is a gentle means for affording this protection as far as it can be practically given. Whether the detailed methods suggested by the Hon. Mr. Ibrahim are well adapted to that end or not are questions which can be considered by the Select Committee. When the Bill is referred to the Select Committee the outside public will have an opportunity of sending their representations in regard to all matters included in the purview of the Bill. Members of the Select Committee will also bring to bear their own knowledge, experience and judgment and I feel sure that if a strong Select Committee is appointed upon this Bill, many of the sections will be so moulded that the Bill will fulfil its principal object, namely, protection of secular charities. Therefore I think the Council will act wisely in giving their adhesion to the first reading of the Bill, without necessarily committing themselves to saying that they adopt the various methods for the purpose of carrying out the principles and objects of the Bill. After a careful consideration and after discussing the question with several members of the Council, I have come to the conclusion that it would be a right thing—it would be a duty—to give one's vote in support of the first reading of the Bill.

The Motion for the first reading of the Bill was carried.

BOMBAY LEGISLATIVE COUNCIL.

EXTENSION OF PRIMARY EDUCATION.

At the Meeting of the Bombay Legislative Council held at Bombay on 13th March 1911, the Hon. Mr. R. A. Lamb presented the Revised Financial Statement of the Government of Bombay for the year 1911-1912. Coming to the head "Education," the Hon. Rao Bahadur G. K. Joshi moved—"That Government may be pleased to make provision in the Budget for the opening of 500 new primary schools by raising the assignment under Item No. 176 to Rs. 1,50,,000, the increased expenditure under this head being met by a corresponding reduction either in the Public Works or Police Estimates." The Hon. Sir Pherozeshah Mehta spoke as follows.

Your Excellency,—I, for one, confess that I listened to the speech made by the Hon. Mr. Joshi in support of his Resolution with great interest and with great admiration, and I venture to say that the speakers who followed him including the Hon. the Director of Public Instruction have not really succeeded in demolishing the

case which Mr. Joshi has been making out. If the case he had been making referred to an extension of primary education in the shape of 500 schools for the first time, one could have understood to some extent the arguments put forward by the Hon. Mr. Sharp, Mr. Rodda and Sirdar Motilal Chunilal. But it is not so. The Hon. Mr. Joshi has not come forward to make a new suggestion on his own account for the first time in this Council. What he has pleaded for, is, that the programme deliberately laid down on a former occasion should not be suddenly curtailed, that the Educational Department should not suddenly cry "halt" before carrying out what they themselves had proposed, and that there is no reason why the schools which it was contemplated should be opened in three years should not be so opened. That is the real point which Mr. Joshi has been making. I was surprised to hear the Director of Public Instruction say that after carrying out this programme for two years, he wants to watch and see if the schools, already opened in the two years, have taken root. It seems to me that that is a consideration which ought to have been present in the mind of the Department when they drew up the programme to be carried out in three years. Surely, it cannot be said that, when laying out a programme, that a certain number of schools may be opened in three years, they had not taken into account the point whether they would require watching to see if they will take root. We cannot but take it that all these considerations must have been borne in mind when the programme was laid down. Are sufficient reasons shown for crying "halt" after a lapse of two years and curtailing the number by 220? I have heard no observation made for the purpose of pointing out that we cannot go on to the extent of 220 more schools than the number provided for in the next year's budget. It seems to me that all the arguments of the Hon. Mr. Rodda and the Hon. Sirdar Chunilal are beside the mark. They argued that there was no room for further extension, but they forgot that the Educational Department itself had determined that it was feasible and desirable to extend it to the number which it itself deliberately fixed. But now we are told by these honourable gentlemen that there is hardly room for opening further schools, that we cannot get teachers and that there is no school accommodation for new primary schools. But were not these considerations present to the mind of the Department of Education when they laid down their programme only two years ago?

Now, this takes us to one point which we ought to bear in mind in regard to primary education. I am not one of those who ask for the introduction of a system of free compulsory primary education all at once. I am one of those who think that that is a matter which can be handled only in process of time. But I do maintain this—and I am sure nobody who is acquainted with the progress of education in the Presidency can controvert it—that for years together Government have strangely neglected their duty and functions with regard to primary education. It has been said more than once that the Bombay Presidency has the least to be ashamed of with regard to the progress of primary education. I quite admit that the Bombay Presidency may have done more than any other Presidency in this country. But that is

saying very little to the credit of Government who ought to have realised that their primary duty with regard to the welfare and progress of the country lay in recognising that primary education ought to be introduced as largely as possible. I think the Hon. Mr. Joshi was quite right in pointing out the examples of other countries and what is done there in spite of the difficulties that confront them. All the continental countries devote their time, attention and money to the introduction of primary education in a way which excites our admiration. It would be admitted that in England the need of primary education was not recognised until in comparatively recent times. There was a great controversy over the question until the passing of the Reform Bill in 1832, and since then there is no doubt England has wakened up to the need of primary education in every possible direction. And the sums she has been spending over it are of an unstinted character. Compared with those countries, what has been done in India? Have we taken primary education as far as possible to the poorest people in the country? Have we set aside adequate sums of money for spreading primary education in the country? Such monies as have been doled out for primary education have been doled out in a grudging spirit. The need for spreading primary education among the masses in this country has always been recognised; but whenever the question of money has arisen, we have always heard the pathetic wails for the need of improvements in a number of other directions. Everybody has admitted that primary education is an important function, but the grant made for it is as low as possible. I think it is a matter of great satisfaction for this Presidency that we are now living in times when the heads of Government recognise as largely and as liberally as they can the need for spending larger sums of money on primary education. I think we may well congratulate the Governor* of this Presidency that he has set about improving the position of the primary school teachers in the manner and extent he has been doing. It is also a matter of great satisfaction to us all that His Excellency is devoting so much time, money and attention to this matter of cardinal importance. But the fact that we require trained teachers is no reason why we should not go on increasing the number of schools with such machinery as we have at hand. Mr. Joshi was quite right in pointing out that while we must applaud the desire to improve the status of teachers and accommodation for pupils, we should not curtail expenditure for the extension of new schools. It seems to me therefore that the time has now come when we must not hesitate to carry out so small a programme as that which was laid down to be carried out in three years. Before sitting down, I should like to make one observation about a remark made by the Director of Public Instruction. That remark was made in entire misconception of the utility of primary education as a means of promoting the welfare and progress of the country. He said it was perfectly true that 85 per cent. of children in this Presidency were outside the pale of education, and he turns round and asks whose fault it is that there is no thirst or desire for primary education. This sounds a very plausible remark, but

* H. E. Sir George Clarke (Lord Sydenham).

I think it is an entire misconception of the function and need of the spread of primary education in a country like India. It may be perfectly true that there is no thirst, there is no demand and there is no desire among the people themselves for education. And why? Because they are steeped in ignorance, because they are illiterate and because they are unable to recognise the benefits of education. But we want to wake up among them the desire and thirst for education and to show them how necessary it is in their own interest to receive primary education. Statesman after statesman has recognised that primary education is so important for the welfare and progress of the masses of the country that a desire for it must be created in them and that the thirst must be wakened in them. And therefore it is the duty and function of Government and those responsible for the welfare and progress of the country to carry on primary education so that people may be raised from the ignorance in which they are steeped and from illiteracy in which they are sunk. That is the proper way in which we should look to the necessity and importance of primary education. Once the thirst and desire for education are created the welfare and progress of the country may be accelerated in a way in which no other measure can ever possibly do. I heartily and warmly support the Resolution which my honourable friend Mr. Joshi has so ably placed before this Council.

Several honourable members having spoken, the Hon. Mr. Joshi's Resolution was put to the vote and defeated.

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TRAINING OF TEACHERS FOR PRIMARY SCHOOLS.

The Hon. Mr. Joshi then moved his second Resolution, viz.—"That Government may be pleased to raise the provision for the training of teachers for primary schools (Item No. 174) from Rs. 30,000 to Rs. 1,00,000—the increase being met from Public Works Estimates." Several honourable members expressed their views on this Resolution including the Hon. Mr. Sharp the Director of Public Instruction, who concluded his speech as follows:—"With this grant of Rs. 30,000 the total number of schools affected will not be large but if that amount was run up to one lac, very great disturbance would occur. It would certainly be inconvenient to the Department to have a large number of men withdrawn all at once. I submit that I should find this extra sum of money extremely embarassing and I hope it will not be forced upon me."

The Hon. Sir Pherozeshah spoke as follows

May it please Your Excellency,— The explanation given by the Director of Public Instruction only serves to increase our perplexity. But before I allude to that, my honourable friend will pardon me if I say that he is a source of respectful surprise in what he has said here. I have had long experience of this Council and the Imperial Council, but I have never come across a head of department who has declined to accept a grant offered to him. The Director of Public Instruction tells us that he cannot make use of the money which the members of the Council propose that it should be given to him.

I have come across members of the civil works department who have always been asking for larger grants. And such is the case with the members of other departments. But here on this occasion the head of one department who ought to be most in need of money and who has always found it most starved, gets up—he, the Cinderella of the whole show, gets up—and says: "If you will give me money, I will not make use of it." I must say respectfully that my honourable friend Mr. Sharp is a puzzle and surprise to a man of ordinary sense like myself. The Hon. Mr. Setalvad has anticipated the remark which I was going to make on the main question in this case. Here, when we are talking about extension of primary education, the Director of Public Instruction says it cannot be done because it is not possible to get a sufficient number of trained teachers.

The Hon. Mr. Joshi:—In the Financial Statement the phrase used is "want of competent teachers."

The Hon. Sir Pherozeshah:—It is very difficult to understand the position of those members of the Council who lectured us for saying that we must go on increasing primary schools in the face of the difficulties which, they declare, experience has shown in obtaining trained and competent, or even untrained and incompetent teachers. We were told that we must make use of experience. I have never disputed a proposition so simple as that, and, of course, whatever scheme we may hit upon at one time, must be opened to lessons of experience. But the point I made was that this want of teachers is not a new discovery, but is a matter which has been talked about for the last fifteen years. So that any scheme that was prepared, must have been prepared with the full knowledge of the difficulty of getting teachers—trained or untrained, competent or incompetent—and therefore I say that that circumstance must have been taken into consideration in framing the three years' programme and in fixing the number of schools that only could be opened in that time and you cannot now turn round and say that experience has led us make a new discovery. It was not a new discovery. It was known years ago and has always been taken into account. For a Director of Public Instruction to say that primary schools could not be increased because of want of teachers, and then when money is offered for the purpose of increasing teachers, to say that he does not want the money for that purpose, is a thing which an ordinary man cannot understand. I think my honourable friend is bound to give some explanation of the position which he has taken up. I think the Resolution of the Hon. Mr. Joshi should be cordially welcomed by the Department because it will enable it to carry out the programme which has slowed down for the alleged want of teachers. The Director of Public Instruction says he does not want funds, but it is impossible not to see great force in what the Hon. Mr. Rafuddin has said about the want of competent Urdu teachers. Surely, that must be in the mind of the Director of Public Instruction, for as the Hon. Mr. Setalvad, Chairman of the Joint Schools Committee, has pointed out the want of a school or college for the purpose of training teachers for Urdu schools has existed for a very

long time. I hope the Director of Public Instruction will reconsider his position and see if he cannot get up and inform the Council that he cordially welcomes the Resolution of the Hon. Mr. Joshi.

With regard to the financial difficulty what I want to point out to the Revenue Member is this. It is perfectly true that in the Public Works and the Police budgets certain amounts have been put down to meet the requirements of the year. But they are large departments and their budgets can bear a certain amount of manipulations, that is to say, they can be remodelled here and there in various directions in the course of the year and in that way a considerable saving can be easily and is very often effected. The Hon. Mr. Joshi was perfectly right in pointing out that the estimates for the Public Works have recently increased by leaps and bounds. Not that it was not entirely right and proper that it should be so. There was a time when the department was badly starved, and its budget grant kept down to 34 lacs or so. I remember that I myself in this Council protested against the impolicy and mischief of keeping down the civil works budget so low. But since then better ideas have prevailed and the Department have found larger means of expenditure than before. It is a pleasure to see that Government has awakened to the necessity of giving more and more funds for the purposes of the Public Works. I do not therefore grudge the large increase that has taken place in the Public Works' budget, but I do say that a large budget which goes up to 75 lacs can easily in the course of a year be—I do not want to use the word "manipulate" because it contains an insinuation—remodelled in a way as to leave a certain amount of money that can be transferred to the object which the Hon. Mr. Joshi has suggested and the importance of which I hope all those who are interested in the moral welfare of this Presidency will very cordially acknowledge.

The Resolution of the Hon. Mr. Joshi when put to the vote was rejected.

BOMBAY LEGISLATIVE COUNCIL.

SPREAD OF EDUCATION : GOVERNMENT'S DUTY.

At the Meeting of the Bombay Legislative Council which was presided over by Sir George Clarke, Governor of Bombay, and held at Bombay on 15th March 1911, the Hon. Rao Bahadur G. K. Joshi moved:—"That Government be pleased not to raise the scale of fees in Government High Schools." On this Motion The Hon. Sir Pherozeshah spoke as follows.

Your Excellency,—The question of fees in secondary schools is in itself a very important question, but it has been rendered considerably more important in consequence of the close connection with the larger question of educational policy. Your Excellency, in offering a few remarks on a question which becomes in this way of great importance, I will implore Your Excellency, not to think that the remarks come from one who is offering them in the spirit of an unwise politician. In the

recent book which Mr. Valentine Chirol has written on Indian unrest, or rather I should say, the letters which he wrote to the London *Times* and published in the form of a book, he says :—

> ' That the powers of the University Senates have not been unduly curtailed is only too clearly shewn on the other hand by the effective resistance hitherto offered at Bombay to the scheme of reforms proposed by Sir George Clarke. To the most important features of the scheme, which were the provision of a course of practical science for all first year students, a systematic bifurcation of courses, the lightening of the number of subjects in order to secure somewhat more thoroughness, and compulsory teaching of Indian history and polity, no serious objection could be raised, but the politicians on the Senate effectively blocked discussion."

Now, Your Excellency, I need not be so modest as to say that I am not included in this class of politicians on the Senate. As your Excellency is aware I took an active part in the discussions in the Senate, but I do implore Your Excellency to believe that in taking the part which I did on that occasion, I was not actuated, as insinuated in the remarks of Mr. Chirol, by the perverse prejudices of that obnoxious individual the Indian politician. I implore Your Excellency to believe that in the remarks which I propose to make on this occasion I am actuated by the same regard for the welfare and progress of this Presidency and for the welfare and progress and development of education on its true lines in this Presidency which, I am perfectly confident, actuates Your Excellency and Your Excellency's Government in making the proposals for the various educational reforms which you have put forward. It is very often said that you must not ascribe motives. It is a phrase which is very loosely used. For, I think, if motives are nothing more than intentions drawn from acts or actions it is impossible in properly discussing a subject not to refer to such intentions as disclosed by actions. Even in matters of criminal jurisprudence, courts of law resort to motives to see why certain acts or actions have been performed. When it is said that you must not ascribe motives all that we really ask for is that you should not seek for intentions except as far as they are disclosed by acts or actions.

Now, in proceeding to offer my remarks I ask this Council to consider in the first place one thing. In the Press Note to which my honourable friend Mr. Sharp, the Director of Public Instruction, has referred, and which I have carefully studied over and over again, and in the remarks which he has offered to the Council on this occasion a great deal of reference is made to the unlimited liability which is sought to be imposed upon Government in the matter of various classes of education. It is said that the time has come when Government cannot undertake an unlimited liability to provide for all the demands that might be made upon them in respect of education. Now, Your Excellency, I want to ask the Government who issued the note, and my honourable friend Mr. Sharp, where is it that Government have ever been asked to undertake any unlimited liabitity ? In my long

experience of public affairs, all the demands I have ever heard made, have been extremely modest demands to increase the ratio of educational expenditure which has always compared and still compares most unfavourably with the ratio in almost every other country in the world. On the contrary, the position of those who say that Government ought to undertake a serious liability with regard to the secondary education, as well as with regard to the primary and higher education, is this. In other countries of Europe what has been the provision for secondary education? Who have been the people who have made the largest and the most liberal provision for the secondary and higher education? Take England. The noble institutions for secondary and higher education there are provided, by whom? By the Kings, by the high State dignitaries, by the high ecclesiastics, by the great landlords—in fact by all those people who in the older days when these institutions were established, were in the position of, if I may use a comprehensive term, great landlords and the possessors of the great wealth of the country, because in those days wealth went with land. Those were the people who founded the noble benefactions which now serve even in a rich country like England people who come from by no means an impoverished class with secondary and higher education. I will ask Your Excellency to consider carefully in coming to a decision on points of unlimited liability, who stands in this country in the position of Kings, great landlords, the great State dignitaries and the great ecclesiastics, but the Government? It is the Government in India who is the great and universal landlord. The Government as constituted in this country occupies the same position which the great landed aristocracy, those great magnates and dignitaries of England once occupied. Therefore it is that we have always contended that a special and peculiar liability rests upon the English Government in India to make liberally and generously the same provision which was so liberally and so generously made in England. That is the function which we ask the Government to perform in this country.

But how have they performed it? I know Your Excellency is impatient of going into past history, looking to the present and the future only for doing active, useful and valuable work. I confess I do not look upon that proposition in the way in which Your Excellency looks at it. Very often if we look into the past and go into the history of the question we can properly judge what ought to be done in the present and what ought to be done in the future. I ask—what has been done by Government in respect of primary and secondary education? I will confine myself to this Presidency. Years ago, Your Excellency, I may be allowed to presume to say that an humble individual like myself publicly implored Government to take a larger view of their responsibility in regard to this matter and not to be content with schools ill-equipped, ill-furnished and ill-tutored without hostels or residential quarters. I remember that at the time of the Education Commission* which is called Sir William Hunter's Commission, an important minute was furnished by one of the best members of this Council—I mean Sir Raymond

* Appointed in 1882 with Sir W. W. Hunter as its President.

West—pointing out how meagre, how slender, how unproportioned was the provision for secondary education in this Presidency and adding a prayer for an advance of a far more rapid character both in the improvement of the schools and in the facilities for developing secondary education than existed at the time. Have Government discharged the duty which I say lay upon them? Till they have done it I venture respectfully to say that the time has not come to speak of throwing unlimited liability on the shoulders of Government in respect of secondary or any other sort of education. Why? What is it that even the Press Note discloses as the reason for increasing the high school fees? It is that the surplus may go to the improvement of the present schools. I waded through the Press Note in vain for some statistics to show what was the alarming demand for admission to Government high schools. I wish in the Press Note the results of some inquiries had been stated—inquiries as to the number of students that would be allowed in the different high schools in the Presidency. So far as the numbers that were fixed by Government in the older days are concerned they are by no means of an overwhelming character. I do not know how far they are going to modify them now, whether they are going to increase or diminish them. But what I venture to place before this Council is that till Government have discharged the normal obligation, that lay upon them, of making normal provision for the spread of secondary education I repeat again that the time has not come of talking of placing an unlimited liability on the shoulders of Government.

Your Excellency,—there is a wider question of policy to be taken into account, as has been hinted by my honourable friend Mr. Parekh, in considering what ought to be undertaken in this country under the circumstances and conditions in which it is placed in respect of secondary education. I have been familiar for years together with the talk of encouragement to private enterprise. It is not a new cry that has been now taken up. The Hon. Mr. Sharp says that one of the objects of the proposal is to clear the ground for private enterprise. It is a cry which, I must confess, I have heard over and over again. There was a time during the regime of Your Excellency's noble predecessor, Lord Reay, when this cry was taken up with great earnestness and with great energy. We people, of the educated classes, have been charged with not coming forward to give advice from our own experience to Government on matters of policy and we have been told that we have been only destructive critics and that we have never put forward constructive proposals. If facts are looked to, I venture to say that the imputation has never been deserved, and, Your Excellency, in this question of educational policy it has been less deserved than in any other direction of political, intellectual or social activity. So far back as twenty years ago we pointed out that this cry of encouragement of private enterprise must be very cautiously dealt with. We pointed out that the desire of Government to shift from their shoulders the task of developing secondary instruction on to the shoulders of private enterprise was fraught with grave political danger and capable of doing grave political mischief. Your Excellency will see that I am not saying this simply for the purpose of this debate,

but I have here in black and white an Address* which I gave as President of the Bombay Graduates' Association and in which I earnestly drew the attention of Government to the grave impolicy and political blunder of dealing with that cry except in a guarded manner. We cried very loud in the wilderness on that occasion. What has been the result? Though Government were not able to make over the established high schools in the different districts to private enterprise they still continued to show enormous indifference to the claims of secondary education.

H. E. the President :—The honourable member has already exceeded fifteen minutes.

The Hon. Sir Pherozeshah :—The subject is so large that—

H. E. the President :—I am glad to give you a few more minutes.

The Hon. Sir Pherozeshah :—I am afraid I have not done with even one-third of what I intend to say. I am so full of this subject and it is a matter of such importance that I thought I might not lose this opportunity of putting forward my views.

H. E. the President :—I will give you a few more minutes, Sir Pherozeshah. I may say that under the terms of the Resolution, we are concerned more with the present and the future than with the past.

The Hon. Sir Pherozeshah :—My belief is that if you want to act well in the future you must not forget the past. I quite see that I should not take up the time of the Council by exceeding the time limit. I must seek a future occasion for the purpose of getting out all that is in me with regard to the important questions which are raised in the course of this debate and dealt with in the Press Note issued by Government. My honourable friend Mr. Sharp in dealing with the matter brought in important questions of policy, which require to be fully dealt with. It is not possible to do it in the time limit and I will not take up the time of the Council any further. I will take another opportunity of putting forward my views.

The Resolution was put to the vote and lost.

BOMBAY MUNICIPAL CORPORATION.

SIR PHEROZESHAH'S PRESIDENTSHIP, 1911-1912.

A Meeting of the Bombay Corporation was held on 3rd April 1911 the chief business being the election of the President for the current official year. There were in all three candidates, the Hon. Sir Pherozeshah, Sir Sassoon J. David and Mr. Manmohandas Ramjee and the result of the voting was that Sir Pherozeshah secured 20 votes, David 25 and Manmohandas 12. Sir Pherozeshah being declared elected on taking the Chair, spoke as follows.

Gentlemen,—My first duty is to thank you most heartily for the great honour you have done me to-day by electing me your President for the fourth time. When

* This Address was delivered on 4th April 1893. For full report see "Speeches and Writings of Sir Pherozeshah Mehta," edited by C. Y. Chintamani pp. 337 to 355.

I was first approached in the matter of the Presidentship, I seriously considered whether it would be right and proper on my part to allow my name to be put forward for the Chair which I had occupied previously on three occasions. I felt that the Corporation had done me great honour in the past and that this was a further mark of its high appreciation of my work. I therefore thought that this was not the occasion when I should allow personal considerations to weigh and that the proper course would be that I should submit myself to the judgment and to the earnest desires of my friends and colleagues. It seemed to me that if the city and the Corporation wished that I should be their representative on the memorable and historic occasion of the forthcoming Visit of Their Imperial Majesties, I should leave the matter entirely in their hands. My friends therefore worked for me and got me installed in the Chair, as I have said,for the fourth time,—an honour never before extended to any member of this Corporation,—an honour which I highly value and appreciate, and for which I am deeply indebted to you. Gentlemen, I have served the Corporation for 40 years but I discount any talk about self-sacrifice in the performance of civic obligations. It is the duty of every citizen to subordinate personal interests to public service and I assure you that the civic work is to me a labour of love and it is through feelings of deep and sincere affection for this city that I cheerfully continue my labours. I may assure you it was not with the vainglorious desire or thirst for honour that I allowed my candidature to be put forward but, as I have just stated, I considered it my duty to surrender myself to the wishes and to the judgment of my friends. I thank you, gentlemen, once again for appointing me to be your President.

* * * * *

At the Meeting of the Bombay Corporation held on 11th April 1912, Sir Bhalchandra Krishna moved:—

That the best thanks of the Corporation be conveyed to the Hon. Sir Pherozeshah M. Mehta, K.C.I.E., the retiring President, for the very valuable services rendered by him to this Corporation by once again devoting his time and abilities to the onerous duties of the office of the President during the past eventful year and he be informed that the Corporation greatly appreciate the tact, ability, courtesy and fairness coupled with a thorough knowledge of Municipal affairs and procedure with which he has discharged his duties as President and that they specially desire to convey to him their sense of high appreciation of the able and dignified manner in which he has carried out the functions and proceedings in connection with the Royal Visit to this city.

Sir Pherozeshah in thanking the Corporation for the Vote of Thanks which it passed unanimously, said:—

Gentlemen,—One cannot speak anything original when one rises to speak for the fourth time on a similar occasion. The period of my last Presidentship was marked by the functions in connection with the Visit of Their Imperial Majesties the King and Queen and it is a matter of great satisfaction to me that you all with one voice recognise, so far as the Royal Visit is concerned, that the Corporation was able

to acquit itself with honour, dignity and propriety—in a way worthy of this great imperial City. But while I thank you all, gentlemen, for the kind words of congratulation which have been passed, I cannot help referring to the ready co-operation and assistance I had received, which enabled me to carry out the duties of the President in the efficient and satisfactory manner in which they were accomplished. Each and every member of this Corporation had extended to me most kind and generous co-operation and if I have succeeded in carrying out the work attached to the Chair in a way that has met with your approval, it was your help and your co-operation which had enabled me to do so. I cannot, gentlemen, conclude without expressing a word of thanks to the Municipal Commissioner for the valuable assistance which I had received from him. The Corporation indeed is very fortunate in having Mr. Cadell as Municipal Commissioner. The more we know him, the more we come to recognise his conspicuous ability, his indefatigable capacity for work, and the high purpose he brings to bear in the discharge of his duties. Neither must I omit to mention the great services I had also received from the Municipal Secretary. Mr. Masani's grasp of Municipal law is wonderful and but for him the business of the Council would not have been carried on as it had been in the last few years. In conclusion, I thank you one and all, the Commissioner, the Secretary and every member of this Corporation for the kind way in which you have passed the Vote of Thanks.

KING GEORGE V AND QUEEN MARY IN INDIA.

SIGNIFICANCE OF THEIR VISIT.

A Public Meeting of the citizens of Bombay was held on 13th April 1911 to concert measures for the reception of Their Majesties the King-Emperor of India and the Queen-Empress on their forthcoming Visit to India. H. E. Sir George Clarke, the Governor, presided. Sir Basil Scott, the Chief Justice, moved—"That this Meeting has heard with feelings of joy the announcement of the approaching Visit of Their Most Gracious Majesties the King-Emperor of India and the Queen-Empress, and resolve that arrangements be made for celebrating this joyous occasion in a manner worthy of this City." Sir Pherozeshah seconded the Resolution as follows.

Your Excellency, Ladies and Gentlemen,

In rising to second the Resolution moved by the Chief Justice in such apt and appropriate terms, I cannot help wishing that I was a poet, a historian and a statesman, all combined in one. For without this combination, without 'the vision and faculty divine' of the poet, the illuminating lore of the historian, and the penetrating comprehension of the statesman, it is almost impossible to give full and adequate expression to the dignity and grandeur of the occasion which we desire to celebrate, to its serious and sacred solemnity, to its pregnant and far-reaching symbolic significance for everything connected with the welfare, happiness and progress, indeed for all events moulding the lofty destinies of this magnificent land of ours. (Loud cheers.)

The occasion will not be a mere pageant, perhaps more gorgeous and dazzling than any that has gone before; it will not be a mere Royal Visit of kindly interest and sympathy and mutual knowledge such as those we have been favoured with in the past. It will be a historic event of deeper significance and import than a pageant or a Royal Visit,—this unprecedented advent of our Gracious Sovereign, to announce in his own person his accession to the throne of the British Empire. It will be nothing less than an emphatic announcement that we are an equal and integral part of the British Empire, it will be a fervent and solemn and deliberate assurance that his watchful eye will be always upon us, on our weal and our woe, that his unceasing interest and sympathy will cover and envelop the development of our destinies and will be a stimulus and example to all concerned in the administration of this country. It will be tidings of great joy for the present,—of glowing hope for the future. It will indeed be the perfect and practical fulfilment of the noble words—as wise as generous—uttered by that great and good Queen—(Applause)—when she assumed the direct Sovereignty of the Indian Empire, in the Great Proclamation of 1858:—"*We hold ourselves bound to the natives of our Indian Territories by the same obligations of duty which bind us to all our other subjects; and these obligations by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.*" It is no wonder that the whole country is preparing to hail the advent of Their Majesties with unbounded joy, enthusiasm and loyalty. Our city cannot be, will not be, behind any other city in that respect. We proudly remember that we are the only city in India which can claim to be a Royal city,—a royal and personal gift to the ancestors of His Majesty, which has come straight from their hands into the Empire. Let the pageant and ceremonial be where they may, it is ours to greet Their Majesties with our loyal acclamations as they put their feet on Indian soil. It is we who will speed them onwards on their high emprize with our prayers and our blessings. (Loud applause.)

BOMBAY LEGISLATIVE COUNCIL.

THE BOMBAY BUDGET OF 1911-1912.

PROVINCIAL COUNCILS AND POWERS OF TAXATION—PROTEST AGAINST TIME LIMIT.

At the Meeting of the Bombay Legislative Council held at Poona on 25th July 1911, Sir George Clarke, Governor of Bombay, presiding, the Hon. Mr. R. A. Lamb presented the Budget for the year 1911-1912. Several honourable members having offered their remarks on it the Hon. Sir Pherozeshah Mehta made the following speech.

Your Excellency,—It must be very gratifying to your Excellency and the members of your Council to hear the flowing numbers of congratulations and acknowledgments of fervent gratitude which have marked the speeches of my honourable

colleagues who have preceded me, and particularly the speech of my honourable friend Mr. Ibrahim Rahimtoola, who while adding his own powerful voice both in congratulations and outpourings of gratitude, drew attention to the remarkable testimony borne by such an unanimous chorus of praise. While admitting that such congratulations may not be undeserved, may I be permitted to say that when so lavishly bestowed by one member after another, they are apt to be tiresome and monotonous? I will ask Your Excellency to permit me to vary the monotony by following a different course. I am for my part ready to acknowledge the full splendour of the sun, but even the sun has his spots. I will therefore seek for some of the spots. Your Excellency, when I left for England last year I was filled with very great alarm at the pronouncement which had been made in a most hopeful and emphatic manner by the late Finance Member, Sir John Muir Mackenzie, in explaining to this Council the financial statement for the year 1910–1911. He then said :—

> "In these circumstances it is evident that we shall have to make up our minds to one of two courses—either the arrest of our rate of progress, or the increase of our resources by provincial or local taxation. It is my earnest hope that before I hand over charge to my successor of the financial portfolio of this Government the Council may be invested with the requisite power to impose the taxation required to meet our requirements, and that our dependence for resources upon the Imperial Government may before very long be a thing of the past. Such a change will, I am convinced, be in every way beneficial. It will bring home to us in the most wholesome manner the responsibility which we ought to feel for the expenditure which we project, it will increase the power and dignity of our Council, and will impart an altogether new and vivifying interest to its discussions of provincial finance."

It was this 'hope' and this 'suggestion' that filled me with alarm when I left for England. All the fine talk about "increase of dignity and power" was only an official euphemism used for the purpose of covering a most objectionable and dangerous proposal. At the debate on the Budget in the same year, Sir John Muir Mackenzie still more emphasised this hope and suggestion. In winding up the financial portion of the Budget he said :—

> "I observe in the general remarks made in the Council, the same tendency I have remarked before, namely, a great preference for suggesting objects of expenditure and a very great reluctance to provide funds for them. I observe that reluctance expounded ably and at great length by the Hon. Rao Bahadur Joshi, and I observe that the last thing he intends to think of is the provision of the funds to attain the objects he desires. I am not at all surprised at that attitude. I have always noted it ever since I have had anything to do with this Council. The fear of taxation is exceedingly great and is only exceeded by the great benefits from it. I can only say I must repeat the hope that the responsibility for providing money for itself will be enforced upon this Presidency and that it will not be able by begging from the Government of India to provide money it requires. That is the one way in which financial and administrative responsibility will be brought home to this Council and

to the people of India; that is the only way that they will come to understand that wha tthey want they must pay for. We have seen it most excellently exemplified in the Bombay Municipality and I only hope it will develop in the Provincial Councils."

Now, Your Excellency will observe Sir John referred to the earnest protest against the policy he was advocating by our late colleague the Hon. Rao Bahadur Joshi in regard to whom I wish to associate myself with every word that has fallen from Your Excellency and other members of the Council. Rao Bahadur Joshi in his speech had vigorously controverted the proposal Sir John Muir Mackenzie was putting forward, but in spite of that vigorous protest Sir John was convinced that their only hope lay in the power of taxation being given to this Council. Your Excellency will permit me to add that your powerful voice was also raised on the same side. But before I come to that I find that my honourable friend Mr. Fazulbhoy* supported with his usual corroborative vigour that financial proposal. He said:—

"Instead of this policy of 'doles' the Government of India should revise the provincial settlements so as to allot larger resources to the Provincial Governments when the Government of India possess a surplus beyond their needs. To my mind there should be a larger degree of separation between Imperial and Provincial finance, and, as Sir Steyning Edgerley in his minute to the report of the Decentralisation Commission pointed out, Provincial Governments should be given independent sources of revenue and some separate powers of taxation. Even the late Mr. Romesh Chunder Dutt said that when the elected representatives of the people obtained a potent and determining voice in shaping the decisions of local Councils it would not be undesirable to invest them with the powers of taxation."

Proceeds Mr. Fazulbhoy:—

"That time has now come. I hope that the suggestions of the members of the Decentralisation Commission, to make provincial resources independent of the Imperial Government and to invest the local Government with the requisite power to impose taxation and to carry out expenditure on important projects will be given effect to at an early date and it will be a beneficial change and will increase the power and dignity of this Council and secure the stability of Provincial Finance. I can only hope that the Hon. Sir John's successor will be as successful as he has been in directing the finances of this Presidency."

In making the quotation from my honourable friend Mr. Fazulbhoy's speech, I may point out that he forgot to mention in his historical account of the proceedings of the Decentralisation Commission that that Commission was against the proposal to invest the Provincial Governments with the powers of taxation and the only two members who advocated that proposal were Sir Steyning Edgerley and another member of the Commission, while Mr. Dutt strongly pointed out that nothing would be more dangerous and objectionable than to invest Provincial Councils with

* Sir (then Mr.) Fazulbhoy Currimbhoy Ebrahim.

that power unless the elected representatives of the people obtained a potent and determining voice in shaping the decisions of the local Councils. To my astonishment I read further in the speech that Mr. Fazulbhoy said that the time had come for investing the local Councils with the powers of taxation. How Mr. Fazulbhoy could ever have come to that conclusion passes my understanding. Nobody more ungrudgingly acknowledges the value of the reforms that have been recently introduced than I do. I have spoken of them as possessing great potentialities for the welfare of the whole province. But to say that the time has now come when the elected representatives of the people have obtained a potent and determining voice in shaping the decisions of the local Councils, is, I say, absolutely without foundation. I am aware that under the new reforms, so far as the Provincial Councils are concerned, they are supposed to have a non-official majority. Your Excellency, in pursuance of the wise policy which you have adopted of promoting the reforms as much as possible, has given the Bombay Council a larger non-official majority than even was contemplated by the law. But it must be borne in mind that after all non-official members are not all elected by the people. It seems to have been forgotton by Mr. Fazulbhoy when he boldly asserted that the time contemplated by Mr. Dutt when the elected representatives of the people obtained a potent and determining voice in shaping the Council's decisions had come, that they are largely nominated by Government. And, however excellent the nominations may be, I venture to assert, as I have always asserted, that nomination can never secure that sense of responsibility and that sense of direct touch with the people which election alone can give. I hope Your Excellency will pardon me for saying that we apply to the constitution of this Council another discriminating test, which, I deplore, is now being invoked in this Presidency. That discrimination is that members are not discriminated as official or non-official. I may be pardoned for saying that non-official members, for all of whom I have very great respect, are sometimes members who are more official than the officials themselves. That is not the way of discriminating between the representatives of the people to whom the power of taxation can be given. The discrimination that is now invoked, I am sorry to say, is between members who are for Government and members who are *anti*-Government. Your Excellency, I am speaking feelingly about this, because I have observed it in other matters in regard to different administrations in this province. Thus it appears that in newspapers and in official reports people are described not as loyal or disloyal, seditious or non-seditious, but Government or *anti*-Government. This line of discrimination is applied to the present members of the Council who are called Government or *anti*-Government members. I deplore that such a discriminating line should ever have been used in official language and is still used. Until the members of this Council are neither Government nor *anti*-Government and are responsible to the people for what they do and say, I venture to submit that nothing could be more disastrous than to invest the Provincial Council with the powers of taxation to any extent. As I have said, Your Excellency's powerful voice was raised in support of that proposal. Your Excellency in your closing speech said this:—

"The Hon. Mr. Fazulbhoy referred briefly to the question of decentralisation and with what he said and with all that fell from my honourable colleague I entirely agree. The Government, with the assistance of this enlarged Council, is quite capable of dealing with all matters of local concern, and in the interests of economy and of good administration it is most desirable that a large measure of autonomy should be granted to our Presidency. The strong views of the Government on this important question will be found in their letter to the Government of India, which is published with the voluminous report of the Decentralisation Commission."

Your Excellency, the public of this province would entirely agree with these views if the enlarged Council was so constituted as to represent the direct voice of the people, because in the matter of taxation it is the voice of the people which ought to be conclusive, and I assure Your Excellency that if it was thus constituted, nobody would have been more ready to agree with Your Excellency than I would have been. But taking things as they are, and while the Council is in the process of development, nothing would be more disastrous than to invest it with the powers of taxation. But my fears since the last two or three months have been fortunately dissipated. My alarm was completely removed when I read in the papers a short note of the Despatch which has been received from the Secretary of State on this point. Your Excellency is well aware that the Secretary of State for India has finally decided to decline for the present to give the powers of taxation to the Provincial Councils and has adduced various reasons for his decision. Among other reasons he has given one potent reason that the determining voice of the people is still not strengthened in these Provincial Councils. Your Excellency, the remarks that I have made have also a bearing to a very large extent on what is called the devolution of functions from higher to subordinate officials. I have always protested against this devolution—this giving over of the powers enjoyed by higher officials to subordinate officials unless and until such a devolution is accompanied by measures for giving active and vigilant control to the people. I would welcome such devolution of functions and powers if the officials to whom they are transferred were at the same time guided and restrained in the exercise of those powers and functions by the representatives of the people in some form or other.

H. E. The President :—Two minutes more, Sir Pherozeshah.

The Hon. Sir Pherozeshah :—Two minutes more? Then all that I can say is this that according to my watch twenty minutes have not elapsed but I accept the correctness of Your Excellency's watch. Now, instead of going on with my remarks I cannot better use the two minutes than to enter a protest against this exercise of discretion vested in Your Excellency under the rules for the direction of the Budget debate. One can well understand that when a motion on a subject is placed before the Council, ten or fifteen minutes may be considered adequate for the expression of views of each individual member. But to give twenty minutes to a member for a general debate involving all the heads of the Budget is simply to stop his mouth. I am sorry

to have to make this protest, but if anybody rationally considers when a Budget has to be considered in all its heads, to stop a member from speaking for more than twenty minutes is to prevent him from speaking what he has got to say on the various heads of the Budget. I have a great deal to say about the educational policy of the Government, also about the views expressed by the Hon. Dr. Nariman on primary education, a subject on which he has spoken without understanding the merits of the question and the principle involved in the development of primary education. There are various other points on which I should have liked to speak, but I cannot do so in two minutes. All that I can do therefore is to sit down.

BOMBAY LEGISLATIVE COUNCIL.

THE SLAUGHTER OF CATTLE.

At the Meeting of the Bombay Legislative Council held at Poona on 26th July 1911, H. E. Sir George Clarke, Governor of Bombay, presiding, the Hon. Mr. Abdul Husein Adamjee Peerbhoy moved:—"That the Governor-in-Council may be pleased to enforce existing legislation, if any, and to introduce such further legislation as may be necessary for restricting the slaughter of cattle, for purposes other than that of human consumption, i. e., for trade purposes, such as for extracting fat, hides, bones and horns." The Hon. Sir Pherozeshah Mehta spoke as follows.

Your Excellency,—Whatever may be the fate of this Resolution, which my honourable friend Mr. Abdul Husein has brought before this Council, whether it is or it is not found practicable to carry out the proposal it formulates, I still hail and welcome this attempt on the part of a Mohammedan gentleman as indicating that even the Mohammedan community is not averse to join in practical and temperate endeavours to solve an economic problem of great importance and seriousness. It is impossible not to recognize that in this country a very important portion of the mass of the people object to the slaughter of cows both on religious and economic grounds. It is no doubt thought that the movement which is now prevailing to a very large extent in this country was inspired by religious feelings and formulated on religious grounds, but it is not improbable that if we go back far enough, the religious feelings were themselves the outcome of economic necessities, when cattle formed an important portion of the agricultural wealth of the country and the preservation of this agricultural wealth was considered to be a problem of the greatest interest and value to the country. But however that may be, there is no doubt that there has been a large decrease in the number of horned cattle in the country. That is a problem of a serious character and requires to be dealt with in a large and statesmanlike manner. To my mind it is a noteworthy thing that a Mohammedan gentleman comes forward to help to solve this problem and proposes ways and means, and in spite of the fact that my honourable friend Moulvie Rafiuddin Ahmed seems to imagine that his action is likely to be misunderstood by the Mohammedan community, I take it that the Mohammedans themselves are reasonably desirous of co-operat-

ing in the solution of this great economic problem, apart from its bearing on the question of the slaughter of cattle for human food. Therefore it is that whatever may be the fate of this specific Resolution which the Hon. Mr. Abdul Husein has brought forward, I hail it as an attempt on the part of a Mohammedan gentleman to join with his Hindu brethren in solving a problem seriously affecting the prosperity of the country.

The Hon. Mr. R. P. Karandikar moved an amendment, viz. "That the maintenance and rearing of cattle claim larger attention of Government in the interests of agriculture."

The Hon. Mr. Abdul Husein then asked permission to withdraw his Resolution in favour of Mr. Karandikar's amendment, which was granted. The amendment therefore became the substantive proposition which being put to the vote, was lost.

BOMBAY LEGISLATIVE COUNCIL.

THE REGISTRATION OF MEDICAL PRACTITIONERS.

At the Meeting of the Bombay Legislative Council held at Bombay on 21st November 1911, the Hon. Mr. R. A. Lamb moved the first reading of the Bill for the registration of medical practitioners in the Presidency of Bombay. The Bill created a Medical Council which would control the keeping of the Register and would have power to remove from it the name of any medical practitioner who was guilty of any grave misconduct or unprofessional act. The privileges which the Bill conferred on registered practitioners were as follows:—

(1) No person who was not registered was to be considered to be a "legally" or "duly qualified medical practitioner" under any Act in force in the Presidency, or was entitled to give any certificate required by any such Act.

(2) No person not registered was to be appointed to be medical officer in any hospital or dispensary not supported entirely by voluntary contributions.

(3) Registered practitioners were to be exempted from serving on inquests.

The Hon. the Surgeon-General H. W. Stevenson and other honourable members having spoken on the Bill, the Hon. Sir Pherozeshah made the following speech.

May it please Your Excellency,—It was impossible not to listen to the speech of the honourable gentleman* who just sat down without being equally interested and amused. My Indian colleagues in the Council took up cudgels on its behalf for the Ayurvedic system of medicine and spoke up vigorously. My honourable friend Colonel Jackson has retaliated by telling us many interesting and amusing stories as to how the Indian *vaids* and *hakims* treated cases here and there which have come to his knowledge. But I wonder whether he has ever heard the other side and the number of stories told by Indian patients of the remarkable and startling manner in

* Lt.-Col. J. Jackson, M.B., I. M. S.

which now and then they had been treated by qualified medical practitioners. I was very much interested to hear a remark from the Hon. the Surgeon-General who told us how one of those unqualified men, who had a patient suffering from tuberculosis, gave him some cough mixture. I believe the story is perfectly true; but I ask him, has he heard stories of what are called qualified medical practitioners who do exactly the very same thing and who when patients have gone to them for serious chest diseases, have treated them as cases of cough and cold. I know several stories of that character.

But after all this impassioned eloquence of the Hon. Col. Jackson, I put it to the Council if we are not drifting away from the true meaning and purport of the Bill. When the honourable members were speaking on the Bill I was rubbing my eyes over and over again to find out what was the real connection between the arguments that were urged and the real substantial meaning of the Bill before the Council. I am afraid so far the discussion on the Bill has proceeded on entirely wrong and irrelevant lines. I will ask my Indian colleagues to consider in what way is it that it really affects the *vaids* and *hakims*. To my mind it is quite clear that they are left out in the Bill as they have ever been before. As a matter of fact, they have never enjoyed the privilege of giving certificates. What is there in the Bill which takes away in any respect from the position which they now occupy? They are left entirely to their own devices as at present without let or hindrance. Now I think that the very first speakers —the Hon. the Surgeon-General and the Hon. Col. Jackson—are to some extent responsible for confirming my Indian colleagues who followed them in imagining that this Bill was really aimed against *vaids* and *hakims* for their speeches endeavoured to justify and show the necessity for adopting measures for disqualifying the indigenous medical practitioners. Even my honourable friend cannot be quite acquitted of the same charge. In his short dispassionate speech, he threw out only one justification for the Bill,—a justification which amounts to this that Bombay should suffer for the sins of Bengal. He said that in Bengal there have sprung up several institutions which turn out irregularly qualified medical men, and those institutions have in recent times multiplied to such a very large extent that it is possible that they may invade this Presidency. I do not think the honourable member has been able to convince the Council that such an infection has reached or is very likely to reach this Presidency. But if the object of the Bill is to prevent this, then there is a necessity of checking the practice of *vaids* and *hakims*. But turning to the sections of the Bill you will see that in no instance the *vaids* and *hakims* are really touched.

Now if you will permit me I will say what is the real meaning of the Bill. I will tell you at once. I will tell my Indian friends that the Bill does not affect the *vaids* and *hakims*; it does not affect unqualified medical practitioners—the compounders and others who dispense medicine to those who choose to be treated by them. The Bill in reality is an attempt on the part of Government to bring the qualified medical practitioners under their absolute control. I ask the members to

see for themselves if the description I give of the real scope of the Bill is not correct. The Bill is said to be founded on what is called the English Medical Act (21 and 22 Vict., c. 90). That Act is very well suited to the circumstances under which medical practitioners exist in a civilised country like England. But in this Bill, which is to be transplanted to the Indian soil, you go beyond the provisions of the English Act. In the first place, you will see that qualified people as determined by Government are to be brought on the register. Then comes the appointment of the members of the Medical Council. And who are those? They are men for the most part chosen and nominated by Government for a term of five years. For, clause 2 (*2*) says:—[Reads.] Your Excellency will see that so far as the constitution of the Medicial Council is concerned, there will be a President, nominated by the Governor-in-Council, and twelve members, of whom six will be nominated by the Governor-in-Council, four will be elected by doctors, bachelors and licentiates of medicine and surgery of the University of Bombay, and two by the medical practitioners who for the time being are practising in the Bombay Presidency and who are not graduates or licentiates of the University of Bombay. Thus it will be seen that the Medical Council is strongly composed of the official element. Then the Bill states how the qualified medical men are to be registered. The next important clause is clause 9. It runs thus:—[Reads.] I submit this clause goes far beyond the English Act. In the English Act—the Medical Act—of 1858—some enquiry is provided before the name of a medical practitioner can be removed on the ground of "grave misconduct or unprofessional act." But in this Bill that portion of the provision has been omitted, and the Medical Council is empowered to remove from the register without inquiry the name of any medical practitioner who has in their opinion been guilty of any "grave misconduct or unprofessional act." Now, leaving alone the question of trial and inquiry, you will see that an enormous power has been placed in the hands of the Medical Council, which is to discover and determine the "grave misconduct and unprofessional act." But, it is well-known that even in England the profession is so much divided as to what constitutes an unprofessional act that there are constant discussions in newspapers as to what should be properly called an unprofessional act and what ought not to be so called. Then, there is the vague expression "grave misconduct" and this Medical Council is invested with the power of determining what constitutes "grave misconduct." I hope the qualified medical profession of this city and the Presidency will carefully look into the provisions of this Bill and see that they are not allowing themselves to be placed at the mercy of a body which, it is impossible to say, will be able to deal rightly with the cases that may come before them.

There are certain small advantages which are certainly given to the registered members of the profession as would appear from clause 10. But then follows a section against which I beg to enter my protest. Clause 11 says:—[Reads.] Now, I wish to point out that in the former Acts the qualification inserted was that the

person to be appointed to a medical post was that he should be a duly qualified practitioner. But it was never under contemplation that such persons should be the persons who would be brought under this Registration Act. The condition requisite for holding such posts under the previous Acts was that the holders should have received certain training and certain degrees; but this further condition of having been registered under this Bill is something which goes beyond what was contemplated by the framers of the previous Acts. I do not think it is right to insert conditions of this character to act retrospectively. I do not attach any value to the granting of certificates. For these documents are generally in the nature of certificates of illness produced before Courts of Law on behalf of persons interested in cases under trial as excuse for non-attendance and so forth. When such a certificate is produced in a court the Judge tries to find out who the person is who has signed the certificate and then determines what weight should be attached to the document. But it is very undesirable to restrict the area from which medical officers of health can be obtained, for it seems to me that it is possible for the various municipalities which are springing up in this Presidency and which require medical officers of health, to bring out men who possess adequate qualification as health officers, yet are not registered under the Medical Act.

Then comes a whole series of clauses to which I want to direct the attention of the Council. Clause 13 says:—[Reads.] Now, I ask the Council what is the need for such a provision as this? Our University with the colleges affiliated to it is at present so constituted that it is specifically under the guidance and control of Government, so much so that no regulation for studies can be adopted by it until it is sanctioned by Government. Why, then, do you superimpose upon it an authority under which the governing body or authorities of a medical college or an examining body can be called upon to furnish information to the Medical Council regarding the course of study prescribed or examination held by such body or authority? Of course, if the Medical Council is created by the Bill, there would be no harm in furnishing such information. But what is the need for empowering the Medical Council to depute a member to attend at an examination? Anybody, who is acquainted with the conduct of an examination, will ask what kind of function is such a person expected to perform. Will he have the power to alter an examination paper? If he wants any information regarding examination papers he can obtain it without being present at the examination. Ordinarily it is only the supervisors who attend at an examination to see that the candidates do their work in the proper way.

The clauses that follow relate to financial arrangements. The next important clause to which I request the attention of the Council is clause 19. It says:—[Reads.] You will see from this that the Medical Council is empowered to make rules and regulations to carry out the provisions of this Act. This is a very large power vested in them, though the rules and regulations that they may pass are made subject to the sanction of Government. Then comes clause 20;—[Reads.] I

will ask the members of this Council to note what an unnecessarily enormous power is vested in Government by this clause. My colleagues will mark that the power which is vested in Government is to be exercised not only on the representation of the Medical Council, but also without it, because you see the words :—"If it shall appear to the Governor-in-Council on the report of the Medical Council or *otherwise*," etc. In either way it comes to this that if it shall appear to the Governor-in-Council that the course of study and examination prescribed by any of the colleges are not such as to secure to the student sufficient knowledge and skill for the efficient practice of his profession, it might direct that the possession of such qualification would not entitle him to registration under this Act. I ask the Council and Your Excellency to consider whether this is right. The Colleges and the University which exist in this Presidency are bodies created by the Act and are so placed as to be under the entire guidance and control of Government, in the first place of His Excellency the Governor as Chancellor and then of His Excellency the Governor-in-Council as Government. And in spite of that control and guidance, the Governor-in-Council reserves to himself the power of saying that these bodies are unfit to grant degrees which they are empowered to give. I submit that is not a logical position, to take up. Does it not seem to the Council we are now giving a further power to the Governor-in-Council? To do what? To say that this control and guidance is of no use whatsoever. And this too, not upon the representation of the Medical Council, but even without it. I ask Your Excellency and the Council to consider whether such a provision is a provision which should really be enacted by a regular Act of this Legislative Council.

I will now ask the attention of the members of the Council to the last clause of the Bill. I have been familiar with what are called the bludgeon clauses of Acts. I am familiar with the bludgeon clauses in the Municipal Act of the City of Bombay. But a bludgeon clause in this Act comes as a surprise to me. Clause 21 runs as follows :—[Reads.] It will be seen that under this bludgeon clause the Medical Council can be altogether superseded. The Medical Council, as I have already pointed out, is largely composed of members nominated by Government, and seeing that it is so composed, is it necessary to enact that if at any time it appears to the Governor-in-Council that the Medical Council has failed to exercise any power and to perform functions imposed upon it, he may appoint another agency to carry out its work? Has the time really come for a Bill of this drastic character? I confess I am unable to bring myself to believe that the circumstances of this Presidency are of such a character as would require legislation of this sort. I repeat now what I said at the beginning that this is the real purport of the Bill. It seeks to place the whole body of qualified medical practitioners entirely—I was going to say at the mercy of, but I will say—under the control of Government. I submit that is not a wholesome way of dealing with an honourable body of men such as exist in this Presidency.

My honourable friend Mr. Belvi said that this Bill is the thin end of the wedge to oust the native practitioners from the field. I cannot conceive that it will have

any end as that. The enormous mass of the people will have nothing to do with the western medical science, and so long as that prejudice—that unreasoning prejudice—exists, I assure¹ my Indian colleagues, the *vaids* and *hakims* will also flourish. There are a number of persons who pose themselves as *vaids* and *hakims*. They are a worthless lot and do more harm than good. Still you must not ignore this fact that there is a fund of medical knowledge and medical science which is still embodied in the Ayurvedic system, and so long as the popular feeling continues the *vaids* and *hakims* will come to no harm. The real purport of the Bill is the enormous drastic powers which are incorporated in it, powers which would bring the qualified medical profession within the control and guidance of Government in a manner which nothing that has yet been said justifies.

H. E. the President, Sir George Clarke, in his concluding remarks said :—The Hon Sir Pherozeshah has attacked the Bill as a whole in one of his characteristically eloquent and vigorous speeches. He does not object to the clauses of it but he objects to the whole thing. In this respect he reminds me of the soldier who, when brought before a court-martial, was asked if he objected to any of the members of it, and said that he objected to nobody but to the whole business.....

The first reading of the Bill was ultimately put to the vote and declared carried.

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At the Meeting of the Bombay Legislative Council held at Bombay on 13th March 1912, H. E. Sir George Clarke, Governor of Bombay, presiding, the Hon. Sir Richard Lamb moved the second reading of the Bill for the Registration of Medical Practitioners. The Hon. Sir Pherozeshah spoke as follows.

May it please Your Excellency,—During the first debate which took place at the first reading of this Bill, Your Excellency was pleased to humorously compare me with a soldier, who on being brought before a Court-martial and asked if he objected to any member of the Court, said he objected to the whole business. I must say that Your Excellency has done me less justice in comparing me with that soldier, because like that soldier I am not only against the whole business, but I impeach each and every member of the Court which was empanelled to try me.

I submit that the Bill before the Council is in the first place premature, and I will explain what I mean when I say that it is premature. It is said it has been taken from the English Act. Now, in England there was scope and room for a Bill of this sort, because there the public opinion was homogeneous with regard to the qualified medical practitioners and the qualified medical men themselves were of a homogeneous character. That made it possible to institute a Medical Council in a country constituted as it was in the way I have described. Now, look at India. What is the state of things here? Is there the same homogeneity in the medical practitioners here as there was in England when the English Act was passed?

Your Excellency will pardon me when I say that in India there are three bodies of medical men, who cannot be said to be entirely harmonious from the points of view in which they regard medicine and medical practice. In the first place, owing to the State exigency, we have a body, called the Indian Medical Service, consisting of men of high competence and high ability, who form a body by itself and consequently have the virtues and vices of a body, separated like the Indian Medical Service is. Next to them is a body, which is slowly and constantly progressing and developing—people who form, what I may call the independent qualified medical profession in the country. They are all qualified men, who in a certain way in consequence of the circumstances in which the Medical Service and the independent medical profession are placed, occupy a position, which I can best describe as many of the members of the Council would understand by the Gujarati phrase ડોળા ધૂરકે છે, or of staring at each other. Not that they are enemies or are quite jealous of each other, but each looks and stares at the other, which, if paraphrased, would mean :— "Who the deuce are you and what business have you here?" I do not say this in an invidious spirit, but we have to recognise a fact which we cannot ignore. The third body is the great class of *vaids* and *hakims*, quacks as many of us regard them and as qualified medical men brand them. They are men in whom an enormous mass of the people have great faith. My honourable friend Mr. Setalvad referred to a case brought in the High Court by a *hakim* against a well-known citizen of this place, and if the members of the Council had read the evidence they would have found that he produced evidence from different parts of the country to point out the great reputation he enjoyed and the great faith placed in him by a large body of men. In fact, by far the greater portion of the population have an implicit faith in these men—a fact which the qualified medical practitioners will not recognise or appreciate —and in a measure are afraid of going to qualified men.

Now, where we have three bodies of this sort depriving the medical profession of homogeneity, it seems to me that the time has not arrived when we could have in this country an Act which has been successful in England, where the medical profession is of an extremely homogeneous character. As I have already stated, the one thing that made the Act successful in England was the public opinion, a public opinion which entirely recognised that qualified medical practitioners were superior to quacks. But here how absolutely different is the case. Here the vast mass of the people are clearly in favour of *vaids* and *hakims*. Therefore, Your Excellency, what I submit is that the case does not exist here to justify the introduction of this Act and that the measure is premature. I do not say that the time may not come for it, but the day may be very distant when its introduction would be justified for the same reason as it was justified in England.

My honourable friend Mr. Setalvad has pointed out to the Council that the Bill does not fulfil the object for which, it is professed, it has been introduced. As he well pointed out it is stated in the statement of objects and reasons that the main object of the Bill is to protect the public and to a certain extent the medical profession

from the inroads of the irregularly qualified medical practitioners. I venture to ask members of this Council who have any knowledge of this country whether those people, who employ irregularly qualified medical men, do not fully know that they are employing men who are not qualified medical practitioners ? I ask those officers who serve in the districts whether the lowest and the humblest villager does not know fully well that when he goes to a *vaid* or *hakim* he resorts to an unqualified medical man ? You cannot ignore that circumstance. I say nothing is required to protect the public from these irregularly qualified men, for they know perfectly well whom they employ. Therefore, so far as that object is concerned, it seems to me there is no reason for the introduction of the Act.

I do not propose to go into the reasons of the various amendments of which my honourable friend Mr. Setalvad has given notice. But with your Excellency's permission I should like to make one remark with regard to the attitude I have taken up in this matter. I may at once say that nobody is a stronger admirer and advocate of a strong Government than I am. But I have always held, and still hold, that a strong Government is not incompatible with leaving to a properly constituted body a certain amount of freedom and responsibility and reposing in it a certain amount of confidence. In my opinion to do that is to make a strong Government still stronger. I recognise the responsibility that lies upon Government and I hold strongly that power ought to remain in the hands of Government for the purpose of carrying out that responsibility in a proper way. I do believe that Government have great responsibilities, but, as I said before, it is not incompatible with leaving to small constituted bodies a certain amount of responsibility and reposing in them a certain amount of confidence. It is for that reason that I objected to strong Government element in the constitution of the Medical Council. Qualified medical men, who have acquired a degree of culture, are men in whom confidence and reliance can be placed, and I cannot agree with my honourable friend Sir Richard Lamb when he said that such a body required some guidance in the early years of its creation. I ask, why ? If these men are such as you want, if they are men of culture, experience, ability and judgment, and if you make a selection from such a class of cultured men, why should you not entrust them with the power of dealing with the matter for which they are created and which is entrusted to them ? That is my reason for saying that a certain amount of freedom should be left to the Medical Council. They must not be treated like little children learning to walk. My honourable friend Sir Richard Lamb compared it with a baby which still had to learn to toddle. I, therefore, object to a large number of Government nominees on the Medical Council, and Your Excellency will see that in England it is not Government who have a preponderating voice in the Medical Council. It is the universities that supply to it a large number of members, as also the various medical bodies. Government themselves come in for a very small number of their representatives on that Council. I venture to submit that, if you are going to follow the English Act, this is the model which you

ought to follow and carry out. It is no reason that you should hamper the body that you create by tying their hands and feet because they require guidance in the beginning of their career.

There are different parts of the Bill to which I object and I will state my reasons for them when they come to be considered. But before concluding I will say this—that though like the court-martialled soldier I am against the whole business altogether, finding that that would not avail me, I claim the liberty of taking exception to the different sections which I consider objectionable.

The Motion for the second reading of the Bill was put to the vote and carried.

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At the Meeting of the Bombay Legislative Council held on 14th March 1912, the Council proceeded to consider the Bill clause by clause.

The Hon. Mr. Setalvad moved the following amendments :—

1. *To substitute in clause 2 (2) (b) for the word "six" the word "four."*

2. *To add after clause 2 (2) (b) the following :—"(c) four members elected by the University of Bombay;" and*

3. *To re-letter sub-clauses (c) and (d) of clause 2 (2) as (d) and (e) respectively.*

The Hon. Sir Pherozeshah spoke as follows.

Your Excellency,—I confess that I have been not a little surprised by the reasons which have been advanced by the Hon. the Surgeon-General in asking the Council to reject my honourable friend Mr. Setalvad's amendments. I was surprised, I say, to hear the Hon. the Surgeon-General speak of misrepresentations having been made by a large and respectable body of medical practitioners in this city. Your Excellency language of this sort shows that the head of the great medical department of Government cannot be said to be in sympathy with the claims and aspirations and the character and position of the independent medical profession of this Presidency. Your Excellency, the Hon. the Surgeon-General has spoken of the narrow and prejudiced views which a Medical Council composed in the manner suggested in Mr. Setalvad's amendments would take. If I may be permitted, Your Excellency, to speak out just as frankly as the Hon. the Surgeon-General has done, I will say that the Medical Council, constituted in a manner in which it is proposed to be constituted by the Bill, will not be a Council which can be guaranteed to be free from narrow and prejudiced views. I submit we must look at these things as practical men of the world, and I ask the members of the Council to say if the appointment of six members of the Medical Council is left in the gift of Government how are those nominations likely to be? We must remember that the medical adviser of Government is the Surgeon-General, and being the head of the Indian Medical Service he cannot help identifying himself with the interests and wishes and the likes and dislikes of the service.

Under the constitution Government nominees must have a majority, and the Surgeon-General being an adviser of Government he would give the members of the service a majority on the Medical Council. In the Select Committee's report it is called a bare majority of one, but a majority of one is as good as a majority of a dozen. Now, I ask if you give the Indian Medical Service a majority on this Council, what is likely to be the result? Will not the narrow views and prejudices of that service find, to some extent at least, the scope and prevalence in that Council? Will not all questions that will come before the Council be, I will not say tainted, but be permeated with the peculiar views of the Indian Medical Service? I ask the Council to remember that the two functions which the Medical Council has to perform are those that relate to registration and the disciplinary jurisdiction as regards the infamous conduct of registered medical practitioners. Now, as I ventured to point out yesterday, it is impossible to say that the relations that exist between the Indian Medical Service and the independent medical profession are of the most harmonious character. They look at things from two different platforms, and it is impossible not to perceive that even now within the experience of the last few years we have found that the point of view from which the independent medical profession looks at medical questions is very different from the point of view adopted by the members of the Indian Medical Service. Your Excellency, I venture to prophesy—and I know that it is a dangerous thing to prophesy—that in a Medical Council, constituted as proposed by the Bill, there is bound to be a serious difference of opinion, not at a long distant period but within a measurable distance of time, between the members holding different views on the various questions that will come before it—questions involving decisions as to what constitutes or does not constitute infamous professional conduct. These are questions which even in England have agitated the minds of the medical profession from time to time and given rise to bitter controversies. But here this bitterness will increase still more in consequence of the chasm which exists at present and will exist for a long time between the members of the Indian Medical Service and the members of the independent medical profession. Under these circumstances it seems to me that if this Act is at all to be a success—and I do not anticipate that it will be a success—the Medical Council should be so constituted as to be entirely independent, or rather, as not to be entirely thrown into the hands of the Indian Medical Service. The Hon. the Surgeon-General says that Government need not necessarily make appointments which are within their gift from the Indian Medical Service. But I say, considering the fact that the medical adviser of Government is the head of the Medical Service and I may at once say that I have not the slightest intention of casting any reflection upon his conscientious way of looking at things, but even the most conscientious man cannot help being swayed by the bias of his service—it is very difficult to think that most of the appointments will not go to the members of the Indian Medical Service.

Your Excellency, I venture to point out that the Indian medical profession is being recruited from the members of the Grant Medical College in this Presidency;

but a large number is now coming from England after taking the highest honours which it is in the gift of the English medical people to give. Many of them are now members and fellows of the Royal College of Surgeons—and the Royal College of Physicians. I remember the case of a gentleman, the son of my late lamented friend, Dr. Ismail Jan Mahomed, who recently came out with some of the highest certificates and qualifications which can be acquired by medical men in England. I have heard medical men speak of him in the terms of highest encomium. The advent of such men is becoming more and more frequent every year, and it is very undesirable that these men should be placed in a position which would make them look with an unfriendly eye on the members of the Indian Medical Service, and which would cause a certain amount of jealousy in consequence of the loaves and fishes going to the members of the service. In these circumstances I ask the members of the Council to carefully consider whether they are not going to wreck the success of the working of the Bill by having a Medical Council in which the members of the medical service will have a preponderating voice. With that view my honourable friend Mr. Setalvad has brought his amendment, which constitutes the Medical Council in a way that gives preponderance to no body of medical men.

Your Excellency, I will say only one word about the representation of the University on the Medical Council. I was rather surprised to hear the arguments advanced by the Hon. the Surgeon-General that it is very well in England where there is a large number of examining bodies of medical practitioners. It is perfectly true that there is not the same number of examining bodies and of medical practitioners in this Presidency, but I ask the members of the Council to say, is it right that because there are not very many examining bodies here the one body which we do possess in the shape of the Bombay University should have no right to elect even one member? I submit that, if we profess to follow the model of the English Act, it is just and right and in fitness of things that the University should have at least some representation on the Medical Council. I think the case for the representation of the University is one that beats the cases of all the other representations put together. I do ask the Council to affirm the principle that the University of Bombay is one body which ought to have some representation, whether large or small, on the Medical Council.

The amendments when put to the vote were lost.

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"INFAMOUS CONDUCT."

The Hon. Mr. Setalvad then moved the following amendments to clauses 7 and 9, namely :—

(*1*) *To omit in the proviso to clause 7 all the words after "1898."*

(*2*) *To omit in clause 9 the following words after "1898" :—*

"or who after due enquiry has been held guilty by them of infamous conduct in any professional respect."

On these amendments the Hon. Sir Pherozeshah spoke as follows.

Your Excellency,—I am very glad that after all the criticism to which we subjected the Bill it has borne some little fruit as acknowledged by the Hon. the Surgeon-General. Your Excellency will remember that when the Bill was first presented in the Council this clause was to be put into operation without any provision for due inquiry. The Select Committee after the criticism to which we subjected the Bill has taken the same view and declared that the departure in this respect from the English Act was not right and that due inquiry should be provided for. That is one thing. It is a small mercy for which I think we might well be grateful. Your Excellency, the argument advanced by the Hon. the Surgeon-General for the purpose of inducing the Council to reject this amendment reminds me very much of the lady's maid who, on being found guilty of misconduct, pleaded that it was a wee wee thing. The Hon. the Surgeon-General told us that if this clause is put into operation on the analogy of the English Act, the cases which will be brought before the Medical Council will be very few. *Primâ facie* it seems to me that there are likely to be great many more cases in India than in England, because opinion is very much divided in this country as to whether qualified medical men can deal with the Indian systems of medicine. In England qualified medical men have nothing to do with the unqualified men. In this country the case is different. Will it be considered infamous conduct on the part of a qualified medical practitioner to have anything to do with the Unani and Aryan systems of medicine? In the long speech which my honourable friend Dr. Nariman made twenty years ago this was the point taken as to whether they could take under their wings any of the other systems of medicine even for the purpose of finding out what is good in them. What are the views which are likely to be taken by men coming out from England and getting into the Medical Council? I say, the Hon. the Surgeon-General or other doctors should have told us what class of cases would come within the purview of this Act and should have given some general idea as to what acts would be covered by the words "infamous conduct." I say the word "infamous" conveys an infamous reflection. It is a very strong word to use to say that a man is guilty of infamous conduct. This word might apply to people meddling with bone-setters. In England there are many things like that which come under the terms of "infamous act." Bone-setting is one of them. In this country the public would be surprised if you were to meddle with bone-setting here. In India you will find many cases of successful bone-setting. More than that. Here you will find people resorting from the treatment of qualified medical men to that of bone-setters, who are recognised as experts in this branch of treatment. I wish the Hon. the Surgeon-General and the Hon. Colonel Jackson had given us some idea as to what they call an "infamous act." I have the strongest objection to the inclusion in the Bill of these words of which we have not the faintest idea. The whole system of law upon that point will have to be settled by the Medical Council, and this will give rise to a feeling of bitterness between the members of the Indian Medical Service and of the independent medical practitioners. I ask the

Council whether you are going to leave questions of such indefinite and vague character to the decision of the Medical Council.

The amendments were then put and lost.

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The Hon. Mr. Setalvad then moved an amendment to insert after clause 13 (b) the following, namely :—

"Except an examination held under the regulations of the University of Bombay."

On this amendment the Hon. Sir Pherozeshah spoke as follows.

Your Excellency,—So far as this amendment is concerned I ask my honourable friend Mr. Setalvad not to press it, though I cannot help saying that the position in which the University of Bombay stands, is different from the position of the Universities which Your Excellency has mentioned. Those Universities are not organised in the manner in which the Bombay University is organised. As my honourable friend Mr. Setalvad pointed out, the Senate, the governing body of the University, is composed of 100 members in addition to two or three *ex-officio* members, 80 out of whom are nominated by Government. So it is a select body in which Government are bound to repose confidence as to the way in which they should set to work. Again, the regulations framed by this body are not operative unless sanctioned by Government. I do not think this can be said about the other Universities to which Your Excellency has referred. In the Bombay University every element safeguarding different interests is embodied in its constitution. Therefore, we feel that any Medical Council sending a person to attend a University examination can serve no useful purpose, and we ask that consistently with the integrity and dignity of a body like the University it might be exempted from the operation of this provision of the section, but so far as this section is concerned, I must confess at once that the matter need not be pressed very far if the Act requires that the University should allow a member of the Medical Council to be present at its examinations. Anyone who knows how these examinations are held cannot conceive how the presence of such a member will be useful, though we raise no objection to furnishing information regarding the course of study, etc. Still, it is after all a small matter. But later on I will appeal to Your Excellency not to interfere with the University in another but far more serious matter. Therefore, I will ask my honourable friend Mr. Setalvad if he can see his way so far as this amendment is concerned to withdraw it as it is not of such essential importance as requires to be pressed.

The amendment was then put and defeated.

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The Hon. Mr. Setalvad then moved an amendment to add in clause 20 after the word "schedule" where it occurs for the first time, the following, namely :—

*"except the University of Bombay"**

The Hon. Sir Pherozeshah spoke as follows.

May it please Your Excellency,—I must say I could not follow the Hon. the Surgeon-General when he said that the Hon. Mr. Setalvad should not have pursued the present amendment after his last one had been thrown out. I think, and I certainly hope, that I made it clear that the last amendment was of an unessential character and might well be given up. But, Your Excellency, so far as the present amendment is concerned, I most earnestly and seriously appeal to the Council—and I make no concealment of the seriousness and earnestness of the appeal—to see that nothing is put down in this Act which can in any possible way cast a stigma on the integrity, dignity and the position of a body like the University of Bombay. When I mentioned the constitution of the University with 80 Government members out of 100, with the addition of certain *ex-officio* members, I forgot to mention that the legislature has provided that the University should have at its head His Excellency the Governor of Bombay as Chancellor of the University. The Senate is the governing body of that University, and its regulations are subject to the sanction of Government. I ask Your Excellency if a body constituted like this has not the ready title to demand from Government complete confidence in everything relating to those regulations which are subject to Government control? I will go so far as to say that if there is a difference of opinion between a body so constituted and Government on the matter provided in this section, and the Governor-in-Council took action on the report of the Medical Council or otherwise, I venture to say that it would be found that in all probability it would be the Government who were in the wrong. Having regard to the constitution of the University of Bombay and to the fact that everything that is done is so jealously guarded from going wrong, I submit it would be a derogation of the integrity and dignity of such a body to say that after all this—and the Hon. the Surgeon-General makes very light of it—that it should be subjected to the indignity proposed in the section as it stands. Your Excellency, I speak warmly on this matter. I know that Your Excellency takes the same warm interest in the position and dignity of the University as any one of us can do. But Your Excellency will let me say that I have been connected with the University of Bombay ever since its institution. I have followed its fortunes from time to time and have taken part in its debates, in which sometimes I may have been in the wrong, but possibly there were occasions when I was in the right. It is therefore impossible for me to sit quiet without asking you to see to what the terms of the section proposed to subject this body. [Reads clause 20.] I first venture to say that the Medical Council is not so constituted as to have, and it is impossible that it can have, a position in

* Under clause 20 the Governor-in-Council, acting upon the report of the Medical Council or otherwise, had the power to strike out from the schedule any institution whose course of study in the opinion of the Governor-in-Council was not such as "to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession." The Hon. Mr. Setalvad's proposal was to add the words "except the University of Bombay" in order to exempt the University from the operation of this section.

which it can sit in appeal and revision upon the decisions of a body, constituted as the Senate is with a Chancellor, a Vice-Chancellor and one hundred Fellows within it; and here you want to put the Medical Council over the head of so select a body. The section says :—" If it shall appear to the Governor-in-Council, on the report of the Medical Council or otherwise....." I ask you to realise what that word " otherwise " is. It is one of the largest words that can be used for the purpose of nullifying even this Medical Council. The Hon. the Surgeon-General is quite content that even the Medical Council may be superseded if it fails to perform its duty in not reporting a body as contemplated in this section. The Hon. the Surgeon-General is so enamoured of this Bill and is so passionately fond of the smallest thing in it that he thinks of even superseding it. Now, let us go on. " If it shall appear to the Governor-in-Council, on the report of the Medical Council or otherwise, that the course of study and examination prescribed by any of the Colleges or bodies conferring the qualifications described in the schedule "—all this is so far as the Bombay University is concerned—" are not such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession." Is it possible to conceive that the University could ever under the inward safeguards provided deserve the epithets in the section ? If so, I say, let the University be abolished and Government undertake its whole work. " Or if it shall appear to the Governor-in-Council, on the report of the Medical Council or otherwise that the course of study and examinations prescribed by any College or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession "—then what follows ?—" it shall be lawful for the Governor-in-Council from time to time by notification in the ' Bombay Government Gazette ' to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act. " This is the power which is proposed to be put in the hands of Government with regard to a body like the University of Bombay. " Or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly. " I repeat again, and I say from my heart, that if it is possible to conceive the University to come to such a pass in which Government can think it proper to take such action as this, then the time for the abolition of the University has come.

The Hon. the Surgeon-General said with regard to the previous amendment that if you exempt the University the other bodies would complain. The reply to that argument is very simple. If any of the other bodies is constituted as the University is, it deserves to be exempted. But there is no such body which is constituted as the Bombay University. Therefore, you must exempt the Bombay University. If the other bodies and the University are protected in the same way, then if you are to have an Act like this it is right and proper that it should be

subject to the supervision of Government as this section proposes. But it is no argument to say that because the Bombay University is exempted the other bodies should also have the same right. The University is the one body which is entrusted with the higher education of the Presidency, and I appeal to Your Excellency not to place it in the position in which this section of the Act will certainly place it. I ask every member of the Council to consider whether what we ask for is not just and reasonable. I have the assurance of my honourable friend Sir Henry Procter—and I quite recognise it—that every non-official member will vote independently upon the amendment. I am certain that if the question is properly considered it will be seen that it is not right, just and reasonable that the University of Bombay should not be exempted from the operation of section 20. Therefore, I warmly support the amendment moved by my honourable friend Mr. Setalvad.

The amendment when put to the vote was declared lost The motion for the third reading of the Bill was carried and the Bill was passed.

BOMBAY MUNICIPAL CORPORATION.

ADDRESS OF WELCOME TO THEIR MAJESTIES KING GEORGE V AND QUEEN MARY.

Their Mojesties King George V and Queen Mary landed at the Apollo Bunder on 2nd December 1911 when, on behalf of the Bombay Municipal Corporation, the Hon. Sir Pherozeshah Mehta, its President, read the following Address of Welcome which he himself had drafted.

To

Their Imperial Majesties

The King-Emperor And Queen-Empress.

May it please Your Imperial Majesties,

We, the President and Members of the Municipal Corporation of the City of Bombay, crave leave, in the name and on behalf of all its inhabitants, to approach Your Imperial Majesties on Your landing on the shores of India with an expression of our deep-rooted loyalty and of our pride and joy on this great and auspicious occasion.

The event is one unprecedented in the annals not merely of India but of the world-wide Empire over which Your Imperial Majesties hold sway. Never before have the Rulers left the centre of the Empire to visit their dominions beyond the seas. We recognise the significance of Your advent; we realise that Your determination to announce Your Coronation in person to Your Indian peoples is a

proclamation to the World of the great position which India holds in the Empire and in the sympathies of the Royal House, and a demonstration that the Crown is the living bond uniting many different races in varying climes under the flag which stands for ideals of justice, righteousness and progress.

We claim that our City has a peculiar title to the honour of being the first in India wherein the King-Emperor and the Queen-Empress set their feet. The Dower of a Royal alliance,* Bombay represents no chance settlement acquired by purchase from petty Chiefs, or selected by merchants fugitive from other centres. Its importance and future greatness were foreseen by the sagacity of statesmen, and its acquisition by a Treaty of State constitutes the first intervention by the Royal Government of England in the administration of the land of India. We proudly claim that the high hopes entertained by the statesmen who acquired the Island and by the Governors who founded and administered the City have met with rich fulfilment, and that this City constitutes the strongest link between the civilisations of the East and West, which it has ever been the aim of the British Government to weld into one harmonious system.

We remember with joy that Your Imperial Majesties are no strangers in our midst. When You came amongst us six years ago, Your Imperial Majesties spared no pains to become acquainted with our people and problems, our arts and industries. We rejoice to think that since your visit, a steady advance has been made in the realisation of high Civic Ideals. The natural vicissitudes of a Commercial and Industrial centre have affected but not retarded a material progress which has gone hand-in-hand with a lively desire to ameliorate the conditions under which our poorer citizens live, and to develop the natural advantages of the Island. We rejoice to think that Bombay is broad-based upon the firmest of foundations in being united within itself and that the diverse races and classes whom we represent are actuated by a strong sense of common citizenship.

In the gracious presence of Your Imperial Majesty the Queen-Empress, the people of India, regarding Your Imperial Majesty as the lofty embodiment of the highest ideals of womanhood, will recognise with renewed feelings of gratitude and affection your interest in them, as evinced by this second visit to their shores.

The advent of Your Imperial Majesties as a visible indication of Your assumption of the sovereignty of the Empire cannot fail to leave an indelible impression on the hearts of your Indian subjects. It is our fervent prayer that the reign of Your Imperial Majesties, fortified by a knowledge of the Indian people, instinct with sympathy for them in their sorrows no less than in their joys and imbued with a love

* King Charles II of England and Infanta Caterina Braganza of Portugal.

for them inherited from Your revered predecessors, the Queen-Empress Victoria and the King-Emperor Edward VII, may be fraught with the richest blessings for all united under the Imperial Crown.

Bombay, 2nd December 1911.

The Common Seal of the Municipal Corporation of the City of Bombay affixed in the presence of:—

[Seal.

PHIROZE C. SETHNA,
E. M. PROES,
FAZULBHOY CURRIMBHOY EBRAHIM,

Members of the Standing Committee of the Corporation.

PHEROZESHAH M. MEHTA,
President of the Corporation.

R. P. MASANI,
Municipal Secretary.

THEIR MAJESTIES' VISIT TO INDIA.

ITS BENEFICENT RESULTS.

A Public Meeting of the citizens of Bombay was held on 3rd February 1912 to give expression to their sense of the beneficent and far-reaching results of the recent Visit of Their Majesties King George and Queen Mary to India. The Hon. Sir Pherozeshah, who presided, in opening the proceedings, made the following speech.

Ladies and Gentlemen,

I am indeed as proud as I am grateful to you for the great honour you have done me in asking me to preside over a Public Meeting of the inhabitants of Bombay on so great and memorable an occasion as that which has brought us together here to-day. Perhaps the choice has fallen on me, because, with the single exception of our revered friend Mr. Dadabhai Naoroji, who, but for reasons of health, would have made an ideal Chairman on this occasion, my public life extends over that period of nearly half a century during which the drama of Indian history has unfolded itself in a marvellous manner. I may therefore be supposed to be able to realize more vividly and fully than others that wonderful transformation which, inaugurated by the sober and practical, and yet in the main, the righteous genius of British statesmanship, was fostered and promoted by the affection and sympathy of the great and good Queen

Victoria, who even in the dark days of the Mutiny, inspired with her own lofty and noble spirit the policy embodied in our first Magna Charta—the Proclamation of 1858. That policy was consistently maintained and steadfastly emphasized by her great son and successor Edward VII. It has now received its culminating crown of glory at the personal hands of our illustrious Sovereign in a way that has electrified the whole country from one end to the other. His Imperial Majesty has, within the few short days of the Royal Visit, revealed himself to us as one who combines in himself the sagacious head of a great and far-seeing statesman with a gentle and loving heart full of the tenderest regard and sympathy for his people. The great Poet Laureate* of the Victorian era sang in prophetic strain of his "Beloved, revered" Sovereign, how

"Statesmen at her Council met
Who knew the seasons when to take
Occasion by the hand, and make
The bounds of freedom wider yet
By shaping some august decree
Which kept her throne unshaken still
Broad-based upon her people's will."

Ladies and Gentlemen, the Poet-Laureate of the reign of her grandson may go still further, and say, that not only statesmen, as stalwart as of yore, met at his Council, but that he presided in person over them, the greatest statesman of them all, shaping august decrees, and coming with his Imperial Consort to announce them in his own person, proclaiming at the same time boons of far-reaching beneficence. Those boons have been rich and varied. But we must remember that the boons announced at the Coronation Durbar are not all the boons that he has conferred upon us.

Among others, there are two of priceless value, for which we are grateful. The first is the boon of the bright example which he has set as to how to regulate mutual treatment and intercourse between all his subjects—rulers and ruled—founded on mutual self-respect and human sympathy. The permeating influence of that example cannot fail to penetrate among all ranks of society and help in the solution of a problem which has caused the gravest anxiety among all friends of the British connexion, and has baffled the efforts of the best and wisest amongst us all to find a remedy. The second boon is, that, in drawing the hearts of all his subjects towards himself, their Common Sovereign, he has drawn closer the ties of peace, harmony and union among themselves, however differing in race, religion, or color. I am confident that his parting appeal for union in his farewell speech in Bombay will not have been made in vain, and will powerfully help the efforts of men like Sir William Wedderburn, our friend Mr. Gokhale, and His Highness The Aga Khán who is proving himself not only a leader among Moslems, but a truly patriotic leader of all

* Tennyson.

India. Ladies and Gentlemen, when I remember these wonderful results of the Royal Visit, I think I may venture to claim, in some small measure, the gift of prophecy for, speaking in this very Hall at the Public Meeting convened to make arrangements for the reception of their Imperial Majesties, I ventured to say, you will pardon me for quoting from my own speech :—

I cannot help wishing that I was a poet, a historian, and a statesman, all combined in one. For without this combination, without 'the vision and faculty divine' of the poet, the illuminating lore of the historian, and the penetrating comprehension of the statesman, it is almost impossible to give full and adequate expression to the dignity and grandeur of the occasion which we desire to celebrate, to its serious and sacred solemnity, to its pregnant and far-reaching symbolic significance for everything connected with the welfare, happiness and progress, indeed for all events moulding the lofty destinies of this magnificent land of ours. The occasion will not be a mere pageant, perhaps more gorgeous and dazzling than any that has gone before ; it will not be a mere Royal visit of kindly interest and sympathy and mutual knowledge such as those we have been favoured with in the past.

It will be a historic event of deeper significance and import than a pageant or a Royal Visit—this unprecedented advent of our Gracious Sovereign to announce in his own person his accession to the throne of the British Empire. It will be nothing less than an emphatic announcement that we are an equal and integral part of the British Empire, it will be a fervent and solemn and deliberate assurance that his watchful eye will be always upon us, on our weal and our woe, that his unceasing interest and sympathy will cover and envelop the development of our destinies, and will be a stimulus and example to all concerned in the administration of this country. It will be tidings of great joy for the present,—of glowing Hope for the future. It will, indeed, be the perfect and practical fulfilment of the noble words—as wise as generous—uttered by that great and good Queen when she assumed the direct Sovereignty of the Indian Empire, in the Great Proclamation of 1858:—"We hold ourselves bound to the natives of our Indian Territories by the same obligations of duty which bind us to all our other subjects ; and these obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil."

I think I can now claim to have been something of a prophet—but prophet or no prophet, I thank Providence that, working under good report and evil report for nearly half a century in company with greater men, many of whom, alas, have passed away, I have lived long enough to be blessed with a sight of the promised land. And it is to His Imperial Majesty that you and I and all of us will owe this sight. Among the many brilliant functions at the Coronation Durbar at Delhi, there was none more attractive and interesting than the presentation of colors to several British and Indian regiments with all the rites of religious incantation. But that function, splendid as it was, pales into insignificance before the presentation in Calcutta to the whole people of India of a banner, consecrated with all the multiform prayers of all his subjects of all races, creeds and religions, and embroidered with his own hands in letters of purple and gold with the soul-stirring motto and watchword of "Hope." In exhorting us to aim at higher and higher educational ideals, His Majesty presented yet another color to the educated classes "a banner

with the strange device 'Excelsior.'" And Ladies and Gentlemen, we shall march under these banners in all loyalty and sincerity of heart, confident that we are marching to the promised land, to the goal of the united welfare, progress, and happiness of our Country, and, who knows, perhaps towards a still higher goal, though the day may be far distant and the road long and arduous—the goal, predicted by the poet, of

"The Parliament of man, the federation of the world."

Full of these great events and hopes, it is no wonder that our hearts are unutterably stirred within us, and we desire to tell the great English people of our loyalty and our gratitude to Their Imperial Majesties, whom we shall no longer continue to regard as foreign rulers, but as rulers of our own, reigning over an Empire of which we are an equal and integral portion. (Loud applause.)

BOMBAY UNIVERSITY.

AMENDMENT OF PROCEDURE.

At the Meeting of the Bombay University Senate held on 1st March 1912, the Hon. Sir N. G. Chandavarkar, the Vice-Chancellor, presiding, the most important subject considered was the revised regulations for the B. A. Examination, a motion for the adoption of which, as recommended by the Syndicate, was moved by the Rev. Dr. D. Mackichan and seconded by Mr. Joshi. At this stage the Vice-Chancellor declared all amendments including that of Sir Pherozeshah to include English History in the compulsory group of studies, out of order except those standing in the names of Dr. C. J. Fox and Mr. B. J. Desai.

The Hon. Sir Pherozeshah :—Mr. Vice-Chancellor, will you listen to us—

The Vice-Chancellor :—I cannot allow any speeches on a point of order. It is my sole discretion to decide it, and I have used my discretion to the best of my powers and to the satisfaction of my conscience. I cannot allow the Senate to interfere in a matter which is entirely within my discretion.

Sir Pherozeshah :—Will you allow me to say one thing? I do not ask you not to rule as your conscience may dictate.

The Vice-Chancellor :—I cannot allow you to speak.

Sir Pherozeshah :—Will you not even listen to me as to what I am going to say? I want to speak on the point of order before you decide it, for every Fellow of the University is entitled to be-heard.

The Vice-Chancellor :—Sir Pherozeshah, will you accept my decision?

Sir Pherozeshah :—I am perfectly willing to accept it, but I ask whether you will not hear us before you give your final ruling on an amendment which you rule out of order,—a procedure which every assembly in the world has recognised.

The Vice-Chancellor :—I have already given my decision. I am not bound to hear anybody. This is a question to which I have given considerable thought and I have come to the conclusion that under the circumstances the ruling that I have given ought to be given. I have given it and it must be accepted.

Sir Pherozeshah then made some observations on Dr. Mackichan's proposition which was carried by a large majority.

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At the Meeting of the Senate held on 29th March 1912, Sir N. G. Chandawarkar, the Vice-Chancellor presiding, an addition was made to the minutes of the last Meeting at the suggestion of the Hon. Sir P. M. Mehta, to the effect that Sir Pherozeshah expressed a desire to address the Senate on the point of order relating to his amendment (*re* the inclusion of English History in the compulsory course for the B. A. Examination) but the Chairman declined to allow him to speak.

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At the Meeting of the Senate held on 2nd July 1912, Sir N. G. Chandawarkar, the Vice-Chancellor, presiding, Sir Pherozeshah moved that, as recommended by the Syndicate, a Committee of the Senate be appointed for the purpose of revising the general regulations of the University dealing with the subjects of "Order of Business" and "Rules of Debate." In support of his proposition,

Sir Pherozeshah said that he would like to invite attention, in moving the proposition, to the circumstances under which he brought the present motion before them on the recommendation of the Syndicate. He wanted to draw special attention to that fact because in a leading article in one of that day's paper there was a somewhat ingenious misrepresentation on the subject. He repudiated the suggestion made in the article that he had brought the motion forward as a personal matter and an over-personal irritation. He asked the members of the Senate not to allow themselves to be carried away by the attempt made to prejudice this proposition placed before them on the unanimous recommendation of the Syndicate.

The speaker claimed that the rules, as they existed, were of a most cumbrous, impracticable and unintelligible character, and, if business was to be conducted on some intelligent method, the rules should be revised. The author of those rules was that most learned gentleman and jurist, Sir Raymond West, who was carried away with a desire to frame rules on the lines of the rules of debate in the House of Commons. Now, in the Senate it was very often found th their hands were tied down because no notice was given that an amendment in a particular form would be moved. That difficulty had attracted their attention for years. The House of Commons had a rule which enabled it to prefer one amendment against another. In the Senate, they could discuss amendments one after anothe only.

Another rule which, he said, had created great difficulty was Rule 60 which provided that no speeches should be made on a point of order, and the next rule said

that "the chairman shall be the sole judge." He ventured to say there were interpretations of these rules, well settled by precedents of well constituted bodies including the House of Commons. With regard to the meaning of the word "speech" t was held that "speech" did not mean remarks offered as reasons for the point of order. The word meant "a speech on the proposition before the House." Remarks could be made in raising or taking a point of order or in replying or suggesting on it and they could also ask for reasons for deciding a point of order in a particular way. The rule that the chairman was the sole judge itself indicated that he had heard both sides of the question. He did not say this on his own authority, but even the Speaker in the House of Commons not only allowed members to speak on a point of order but also invited them to assist him in arriving at a proper conclusion and he himself gave reasons when deciding a point of order in a particular way.

Sir Pherozeshah then cited an instance from "Burke's Parliamentary Precedents" to support his contention.

The speaker continuing said he did not desire to criticise anyone, but only tried to show that the rules were defective. He, therefore, in conclusion, submitted that the rules required a little stiffening in the manner indicated because the rights of Fellows required to be placed on a certain basis and, standing there as a representative of the Syndicate, whose unanimous desire it was to revise the rules, he moved his proposition.

Several Fellows having expressed their views the Senate adjourned till 12th July 1912 on which day also it considered Sir Pherozeshah's proposition.

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At the adjourned Meeting of the Senate held on 17th July 1912, Sir N. G. Chandavarkar, the Vice-Chancellor, presiding, Sir Pherozeshah replying on the debate spoke as follows.

Mr. Vice-Chancellor and Gentlemen of the Senate,—

In the course of a pretty long public life—a public life which is connected with the University for the last forty-four years—I have learnt to receive knocks—and sometimes they were hard knocks—with equanimity and cheerfulness, and sometimes also with enjoyment. But when people seriously got up and talked of personal feeling being introduced in this debate, I venture to say that hardened as I am in public life it was with the greatest pain that I heard an insinuation thrown out in this Senate by a personage for whom I have the highest regard and esteem. I mean Sir Ramkrishna Bhandarkar. It was with pain that I heard him charge me personally with employing obstructive tactics so far as the Indian Vice-Chancellors were concerned. He told the Senate that he never heard me talk about the rules except when an Indian Vice-Chancellor was in the Chair. I may be allowed to say that this is an insinuation as devoid of foundation as of truth. I certainly cannot help saying that such an insinuation is not worthy of the learning, the position and the age of Sir Ramkrishna Bhandarkar. I feel it sincerly, because I have always stood up for

the Indians and have always been foremost in congratulating Indians on such elevations and on receiving their due in the public life of this country. That I should be charged with such insinuation as this by Sir Ramkrishna is painful enough but at the same time I feel deeply pained that the Vice-Chancellor should not have said one word of expostulation or reproach when that insinuation was made.

The Vice-Chancellor :—I have already said that I do not wish to take any part in the discussion. I have as far as possible given every latitude to the discussion and I think any expostulation on my part would be impertinent.

Sir Pherozeshah :—Well, gentlemen, I have been charged with introducing personal element in this matter. I ask the members of the Senate to consider cooly and calmly what was this personal feeling and what was the personal attack which I am supposed to have introduced in moving my Resolution. Is it that we cannot tolerate difference of opinion among ourselves? And if we happen to have difference of opinion can we not discuss without being charged with being personal? We may be very great friends with Sir Narayan Chandawarkar and yet we can differ from him on some question. Everybody is aware of the regard, the esteem and friendship with which I hold the Vice-Chancellor not to-day and yesterday but for years and years, and am I to be told that because I happened to differ from him and because I wanted to discuss those differences of opinion that I was actuated by personal feeling? I have assured you on more than one occasion that I was actuated by conscientious and honest motives in taking the action that I have taken and I have always admitted that the Vice-Chancellor, whether he agreed with me or differed from me, has ever endeavoured to do what he considered to be his duty, in the position in which he is placed, honestly and conscientiously.

Col. Street :—The question is whether the Vice-Chancellor was right or wrong in his ruling.

Sir Pherozeshah :—Col. Street entirely misconceives the right and duty of every member to affirm his own opinion on every subject. I do not think he has realised what he has said. Nothing would be more demoralising to ask the Fellows to say that in spite of what they believed conscientiously to be right, they should say that was not right because the Vice-Chancellor has ruled otherwise.

[Sir Pherozeshah then proceeded to point out the defects of some of the existing rules and dwelt at some length on the controversy regarding the question of making English History compulsory for the B. A. examination. Referring to the point made by Dr. Mann regarding the powers of the chairman, Sir Pherozeshah said in his first speech he had never advocated the restriction of the discretion and powers vested in their chairman. He assured the Hon. Mr. Prior that it was far from his intention to move that the general discretion vested in the chairman of a body like that Senate should be restricted.]

Sir Pherozeshah's Resolution was then put to the vote and declared carried by 38 votes to 30.

BOMBAY LEGISLATIVE COUNCIL.

LICENSING OF RACE-COURSES IN THE BOMBAY PRESIDENCY.

At the Meeting of the Bombay Legislative Council held at Bombay on 14th March 1912, H. E. Sir George Clarke, Governor of Bombay, presiding, the Hon. Sir Richard Lamb moved the first reading of the Bill for the licensing of race-courses in certain parts of the Bombay Presidency. This legislation was forced on Government by the very large increase in the amount of gambling which had been taking place of recent years on the race-courses leased by the Western India Turf Club at Bombay and Poona. Individual cases had occurred in which men had been ruined by betting on the Bombay and Poona race-courses and the Government of Bombay came to the conclusion that the amount of gambling which went on at these particular places constituted a serious evil calling for restriction. The Bill was to be made applicable only to such areas as might be notified by the Governor-in-Council and Government proposed in the first instance to apply the law only to the Island of Bombay and the Cantonment of Poona, so that the small race-meetings elsewhere in the Presidency would not be affected in any way. The Bill laid down that in a notified area no horse-race should be held except on a race-course for which a license had been granted under the Act, and then proceeded to say that the Governor-in-Council might grant licenses subject to such conditions and for such periods as he might think fit; and then there were the necessary penalty clauses. These were the powers which the Bill conferred on Government which considered that the gambling evil could be restricted in two ways; firstly, by the abolition of professional bookmakers at the race-meetings, and, secondly, by controlling the number of days on which race-meetings might be held. The Government proposed, therefore, when issuing the first licenses under the Act, to stipulate that professional bookmakers should be abolished on the race-courses and that the number of race-meetings in a year should be limited to 15 in Bombay and 15 in Poona.

Several honourable members expressed their views on the Bill. The Hon. Mr. M. de P. Webb said:—"The Bill provides nothing at all except that the executive shall be given full powers to license race-meetings as they may think fit. In other words, this Council is asked to deprive itself of any control in this matter and hand the power over to the executive. That, I think, introduces a principle which this Council should not on any account accept." The Hon. the Jaghirdar of Ichalkaranji who spoke next, said:—"On former occasions when we non-official Indian members raised our voice in this Council against the policy of Government in giving wide powers to the executive in the legislative measures, we were told that it was absolutely necessary to invest Government with such powers. I heartily sympathise with the Hon. Mr. Webb in the remarks that he has made; but he seems to have forgotten the fact that all these years the non-official members belonging to the European Community have turned a deaf ear to the protests we have made under similar circumstances and have always sided with Government, and sometimes that too in respect of measures in which they did not agree with Government."

The Hon. Sir Pherozeshah who followed spoke as follows.

May it please Your Excellency,—My honourable friend, the Jaghirdar of Ichalkaranji, has anticipated me in some remarks which I proposed to make on this

occasion. But I must confess when my honourable friend Mr. Webb was speaking I could not help saying to myself "Here is a Daniel come to judgment!" (Laughter). Time after time when Government brought measures in this Council in which they asked the Council to give them all sorts of powers—powers for making rules and regulations, I never saw my honourable friend Mr. Webb or any other non-official European member, whom I can name, rise up to protest in the strenuous manner in which the Hon. Mr. Webb has done to-day. But I am glad circumstances teach new lessons, and I hope my honourable friend Mr. Webb and those who have acted like him in the past will bear in mind that it is not always safe to do the bidding of the Government and give the executive the power to do everything by rules and regulations. But I will tell my honourable friend Mr. Webb that on this occasion I am not at one with him on this particular Bill. I quite admit that what has fallen from the Hon. Sir Henry Procter and the Hon. Sir Ibrahim Rahimtoola is true, that gambling cannot be always directly be prevented. I quite admit that the instinct of gambling is strong in most people. I disagree with the Hon. the Jaghirdar of Ichalkaranji when he says that the gambling instinct is not keen among the people of this country, for he seems to have forgotten that the old kings gambled away their kingdoms, and even their wives. (Laughter).

The Hon. the Jaghirdar of Ichalkaranji:—They were only the *Kshatryas*.

The Hon. Sir Pherozeshah:—I am quite prepared to admit so far as India is concerned that the instinct or vice of gambling is as deep in us as anywhere else. It is a well-known thing how some people have a knack of gambling in everything that one can think of. Some years ago we stopped rain gambling, and as soon as that was done, another kind of gambling sprang up. In fact, the gambling instinct is so strong in us that it develops itself in some form or other.

But I think the real point to be considered in regard to this Bill is not that it has been brought to stop gambling. It has a far higher aim, and it is to prevent the moral deterioration or demoralisation which takes place in consequence of the gambling instinct displaying itself in a public manner and on the public race-courses as has been the case both at Poona and Bombay. Your Excellency, I will never forget the feeling of disgust—I may say here that I am not a sporting man—with which I saw a large collection of racing people returning from Poona to Bombay some time ago when I happened to be at Poona. You will fully realise the extent to which this gambling instinct prevails among the people when I say that the concourse consisted not only of men of lower classes, but it included people of a higher kind also- judges of the High Court and high officials of the State—and the impression which the sight made upon my mind was that though they looked such good and respectable people at ordinary times they seemed to be a disreputable lot of men after returning from a race-course. (Laughter.) The sight struck me in that way on that occasion. It seems to me that when gambling is allowed to be carried on, though in

the guise of sport, in such an open and flouting manner as has been done in Bombay and Poona for the past several years, it spreads out like a contagion. I think Your Excellency's Government ought to be congratulated on the firm manner in which you propose to deal with this public aspect of gambling. I admit that it is very difficult to stamp out gambling, as the instinct is so strong in human nature, but it is as well that Government have recognised in time the public danger to which these things were leading in the guise of sport. Those who remember racing in the old days know that nothing like the sights which are now to be seen were ever to be seen then. The development that this vice has assumed in recent years, is something abnormal. Its influence is growing to such a dangerous extent that men, who would never think of going to the races in their normal state of mind, are carried away as if by magnetic attraction on seeing hundreds and thousands of people rushing up to the place. My honourable friend Mr. Graham says that racing is a fine sport and affords innocent amusement to the people. But I ask him when a large number of people flock together at the race-courses at Bombay and Poona, does the enormous proportion of them go there for enjoying the sport or for gambling? If only my honourable friend see them there he will realise that they are there not for the love of sport, but for the vicious enjoyment of the vice of gambling. I submit that Government is perfectly right in grappling the evil in the manner in which they have done. I entirely support Government in their present legislation.

But, Your Excellency, I wish to make one small suggestion. It is perfectly true that the only way in which these things can be regulated is by issuing licenses for the public race-courses under such conditions as Government may lay down. But I ask Government to take one precaution in the interests of the object they have at heart, and it is that the conditions of the license should be laid before the Council-table a month previously, or anyhow for such a time as to enable the members, if they so desire, to have a discussion upon them. I think that is a safeguard which is necessary for attaining the object of this Bill. I am not speaking in any invidious manner when I say that there are Governors and Governors, members of Council and Government and Government. Human nature is so varied and so complicated, that at some time the head of the Government may think that racing may be allowed to take its own course and may so alter the conditions as to issue licenses without any restrictions. I wish to prevent any occurrence of that sort. With that reservation I entirely and cordially support the legislative measure which Government have placed before the Council.

The first reading of the Bill was carried and the Bill was referred to a Select Committee consisting of seven members including the Hon. Sir Pherozeshah. At the Meeting of the Council held at Mahableshwar on 9th May 1912, at which Sir Pherozeshah was absent, the Bill was read a second and a third time and passed.

THE TATA MEMORIAL.

In the presence of a large and influential gathering the Statue which had been raised in Bombay to the memory of Mr. Jamsetjee N. Tata was unveiled on 11th April 1912 by H. E. Sir George Clarke, the Governor. Sir Pherozeshah Mehta in inviting His Excellency to perform the ceremony, spoke as follows.*

Your Excellencies, Ladies and Gentlemen,—Before I request Your Excellency to perform the ceremony of unveiling the statue of Mr. Jamsetjee Nusservanjee Tata, I may be permitted to say a few words about this great and enterprising Indian of modern times. I believe there is no person now living who knew the late Mr. Tata so long, so closely, and so intimately as I did. We were close and intimate friends from our early days, and during the whole time, we were associated together in public and private life. In these circumstances I hope to be pardoned if I place before you a brief idea of what sort of a man Mr. Tata really was. Within the last few years a good deal has been said about his high and great personal worth, his valuable work in the promotion of industrial enterprise, and the splendid provision which he has made for scientific and technical education. But this is but an imperfect presentment of the many-sided man that Mr. Tata really was, and an inadequate measure of his true greatness. To know him as he really was, it is necessary to recognise the equipment with which he started in life and which shaped his career from beginning to end. The foundations of his character, and perhaps of his high moral purpose, of the civic and philanthropic public spirit were laid deep in that English education which is sometimes called literary but which I prefer to call by its old fashioned name of liberal education. The English education which was commenced to be given us in the early 40's was one of the most precious gifts bestowed upon us by the British rule. It was one of the things which were twice blessed,—it blessed him that gave, and it blessed him that took. This English education was the precursor of all sorts of progress throughout the City and Presidency—social, political, moral, economical, and educational and to the many eminent men it turned out, Bombay owes a great deal of the progress which it has since made. Among the distinguished men brought out by the Elphinstone Institution, as it was called in those days—an institution which was founded under the inspiration of, and in commemoration of, the far-sighted, sagacious and liberal statesmanship of that great man, Mountstuart Elphinstone, whose memory is still revered and enshrined in our hearts—among the products, I say, of that great Institution, Mr. Tata was a notable example, and if we observe his whole subsequent career, we shall find that the character and principles

* Mr. Jamsetjee Nusservanjee Tata, the greatest and by far the foremost Pioneer of Indian Industries, was born in 1839 and was educated at the Elphinstone Institute. He was the founder of the Tata Iron and Steel Co., Ld., the Tata Hydro-Electric Power Supply Co. Ld.; he endowed a Trust for sending Indian students to England to complete their education, and a few years before his death founded the Institute of Scientific Research in India for the endowment of which he left a handsome sum of thirty lacs of rupees. He was a staunch supporter of the Indian National Congress which ever received from him every monetary assistance. He died at Nauheim in Germany in 1904.

he acquired in that Institution, were the character and the principles which he carried into practice throughout the whole of his long and distinguished life. (Applause).

Ladies and gentlemen, the current notion that Mr. Tata took no part in public life and did not help and assist in political movements was a great mistake. There was no man who held stronger notions on political matters, and though he never could be induced to appear or speak on a public platform, the help, the advice, the co-operation which he gave to political movements never ceased except with his life. And the proof of this statement lies in the fact that he was one of the foundation members of what I may venture to call the leading Political Association in this Presidency, the Bombay Presidency Association. And not only was Mr. Tata himself one of the first members of the Association but he induced his old father to join this political Institution. Thus we see, ladies and gentlemen, that the general notion that Mr. Tata never allowed himself to be identified with politics, is altogether an erroneous one, for he never failed to enter the political arena when opportunity afforded itself and when he saw that it would be for the good of his Country and for the advancement of his countrymen.

Your Excellencies, ladies and gentlemen, of the manner in which Mr. Tata applied this high moral purpose to commerce and business, I shall say a few words. His first great industrial enterprise was the establishment of the Central India Spinning Mills, out of which has grown the colossal weaving establishment of which we are all aware. True to his high moral purpose, he scouted the idea of following the pernicious system then in practice and introduced a system under which the agents were paid nothing except for management and work. That weaving mill has now become as prosperous as it has ever been because of the righteous system on which it was founded. Complain as we may—and I am one of those who have ever joined in the complaints as to the iniquity and injustice of the excise system—Mr. Tata's foresight was better and stronger than any of ours. He thought the prosperity and welfare of the mill industry would depend much more upon working it honestly than anything else and time has justified his views.

As for the diffusion of education, he very freely made provision for young men who gave promise of high ability to be sent to acquire education in England and foreign countries, and among India's most brilliant men were some indebted to Mr. Tata's philanthropy.* Of course you all do know his great enterprise in starting

* The Tata Education Scheme which owes its inception to the late Mr. Tata was established in 1892 for the advancement of the natives of India by the award of studentships enabling them to prosecute their studies in renowned seats of learning in the West. A noticeable feature of the help extended to students under the scheme is the entire absence of the purely eleemosynary element, the help being in the nature of temporary loans repayable by easy and carefully graduated instalments after the students are in a position to discharge their obligations, thus maintaining their self-respect and impelling them to self-reliance. Since its origin 39 students have availed themselves of its benefit,—notable among whom are :—

The late Mr. A. K. Cama, I.C.S., The Hon. Dr. R. Row, M. D. (Lond.), Mr. Balak Ram, I.C.S., B.A., (Cantab.), Mr. A. P. Bacha, M. B., B. S. (Lond.), F. R. C. S. (England), Dr. M. D. Gilder, M. D. (Lond.), F. R. C. S. (England), Dr. Jivraj N. Mehta, M. D. (Lond.), Miss Jhirad, M. B., B. S. (Lond.), etc., etc., etc.

the steel works and the hydro-electric works, and I quite agree with Sir Lawrence Jenkins, our late Chief Justice, that his aim was not to make large profits, but the industrial advancement of India. ("Hear, hear.")

There was one more trait, Your Excellencies, ladies and gentlemen, in Mr. Tata's character—a trait which was firmly set in his whole character and being. He could not brook distinctions of caste, creed or religion. He worked not merely for one sect or one community, but his whole mind was set upon doing things which redounded to the welfare and progress of the country and people, whom he loved with the best of loves. He used to remark that the old adage, "Charity begins at home," as all old adages were, was imperfect. He often pointed out that it might be right, but there was an ending to it,—Charity may begin at home, but it does not end there. This was the principle on which Tata worked and lived.

Ladies and gentlemen, it is said we are met together to-day to see this statue raised in his honour. Lord Lamington had pointed out at a public meeting that no one would more have disliked such a proposal than Mr. Tata himself. And let me say it is not to honour him we are raising this statue, but we are putting up a beacon light to successive generations of people coming afterwards, to exhort them and to tell them—go thou and do likewise. That is the meaning and the significance of this statue which I now respectfully invite Your Excellency to perform the ceremony of unveiling. (Loud applause).

J. N. PETIT PARSI ORPHANAGE PRIZE DISTRIBUTION.

PARSI ORTHODOXY AND PARSI CHARITY.

The Hon. Sir Pherozeshah Mehta who presided at the Distribution of Prizes to the pupils of the J. N. Petit Parsi Orphanage, held on 14 April 1912, addressing the vast assembly, consisting of students and others, spoke as follows.

Ladies and Gentlemen,—I have to express to you my great thanks for asking me to preside on this occasion. It is possible there might be some amongst you who might say that I am more an Indian* than a Parsi, that I am not an orthodox

* Sir Pherozeshah always prided himself in being called an Indian first and a Parsi afterwards. As for instance whilst rendering thanks for being called to preside over its deliberations, he addressed the 6th Indian National Congress, held at Calcutta in 1890, as follows:—

"Is it possible to imagine that Dadabhai Naoroji, for instance, [illegible] that he is, [illegible] anything but an Indian living and working all his life for all India, with the [illegible] and [illegible] [illegible]alty of a son. Can any one doubt, if I may be allowed to take another illustration, that Sir Syed Ahmed Khan was greater and nobler when he was devoting the great energies and talents with which he is endowed all for the benefit of Mahomedans in particular,—for the benefit of all Indians in general than when, as of late, he was preaching a gospel of selfishness and isolation? The birthright, therefore, [illegible] which the Parsis [illegible] possess of indefeasible and glorious a character, they have refused and will always refuse to sell for any mess of pottage, however fragrant and tempting. (Loud cheers.) More especially therefore, as an Indian it is that I return to you my grateful thanks for the honour you have done me."

Parsi, that I am neither a member of the Society for Protecting the Interests of the Zoroastrians nor am I in the Committee that has been formed to inquire into the cause of poverty among the Parsis, and that therefore I had no business to be at this Institution which is a purely Parsi concern. As to the first charge I put it to you, ladies and gentlemen, whether my being more an Indian than a Parsi prevents me from being as true, as thorough and as staunch a Parsi as any of our co-religionists present here on this occasion? ("Hear, hear.") It seems to me quite inconceivable—I am as a matter of fact surprised—to hear people talk in that manner. In regard to orthodoxy, I utterly fail to understand what is meant by orthodoxy in these days. Many people call themselves orthodox, they preach orthodoxy, but they do not practise what they preach. I am not an orthodox Parsi of that character nor am I an orthodox Parsi who accepts every kind of superstition, rite and ceremony that have come down to us from our forefathers, from times immemorial, without a murmur or without a protest. There are many whose idea of orthodoxy is quite different from that of mine. To my mind, orthodoxy does not consist in the acceptation of every kind of ceremony that is put forward,—ceremonies sanctioned by our sacred literature or not, some of which have been assimilated in our religion through close association of our ancestors with the Hindus of ancient times. The true aim of orthodoxy is to look at the essentials, the necessities and the purities of the religion and to try to practise them.* It is this kind of orthodoxy of which a Parsi should be proud. I remember the day when some leading members of the Zoroastrian Society, I have just mentioned, came to me and asked me to become a member of it. I told them frankly that though their intentions were excellent, they were impractical. Small as the Parsi community is, it is not possible for one body of men to devote themselves to every question that crops up in the community. I think a society which gives up wholly its attention to things which come nearest to their mind and understanding would be far more useful and serviceable than the one which attempts to tackle every possible question under the canopy of heaven. For this reason I held aloof from that body. Again, as to the Committee that is formed to inquire into the causes of poverty among the Parsis, I think it is not for that miscellaneous body to take up that question which requires to be handled in an accurate, systematic and scientific manner. I may be pardoned if I say that I have found in the course of a rather long career that such assemblies are good for only one thing and that is talking.

Ladies and gentlemen, I will now come back to my own justification as to why I am here this evening. It is because this Institution is carrying on a noble and a

* Speaking at the 2nd Zoroastrian Conference (23rd October 1911) which held its sittings in Bombay, the Hon. Sir Pherozeshah had said:—We are told (by the orthodox party) that it would not be wise to meddle with religion which would be all the better for being left severely alone. But I maintain that if the question of religion is of paramount importance we should be the first to take it in hand. I for one am confident that nothing could be gained by being stagnant and that therefore we must be progressive and move on with the times.

useful work of charity and philanthropy in the right way, in the right manner and in the right spirit. The Petit family, to whose generosity this noble Institution is wholly indebted, has the wonderful genius of finding out what are the real needs of the Parsi community and to what institutions they should devote their surplus money. This Orphanage is indeed the outcome of that genius, and I venture to say that when its sister Institution, the Orphanage for Parsi girls—which another member of the Petit family, I mean Miss Hamabai Petit, proposes to start—comes into existence,* we will have amongst us two of the noblest and most useful charitable Institutions that we can ever conceive. (Applause.) Now, as I have recently pointed out, two gospels are set forth as to what constitutes real charity. One gospel is that charity should begin at home. It was, of late, preached by a distinguished member of our community.† Of course that is perfectly legitimate; but I can never bring myself to agree with those who think that charity should begin at home and be confined to home. I would say that charity should begin at home and end abroad. By all means let the Parsis provide for all that is necessary for their own community but after supplying the needs of their own co-religionists, let them look beyond their own narrow sphere, for we should remember that we are bound to extend our charitable work to other communities as well.‡ How can we lose sight of the fact that in times of our misfortune and distress, our Hindu brethren had given us shelter 1,300 years ago, long before the British came to India and took possession of this land? We owe therefore a

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* The Bai Avabai Framjee Petit Orphanage for Parsi Girls came into existence in 1913, through the generosity of Miss Hamabai Framjee Petit who endowed it with a handsome contribution of 12 lacs of Rupees.

† This is an allusion to the speech made four years previously by the Hon. Mr. Justice Dinsha Davar at the inaugural ceremony in Bombay, under the auspices of the Zoroastrian Building Society, of a block of Buildings on 26th May 1908. Mr. Justice Daver had then said :—Research Institutes, Central Colleges, Chemical Laboratories are no doubt excellent charities but, I confess, I feel a pang of poignant regret when I see Parsi money drifting away in those directions. This may be a selfish narrow-minded or short-sighted view to take and I know I incur the displeasure of many good Parsis by giving expression to it but I feel that as long as there is poverty and indigence in the community with their consequent and attendant miseries, the first duty of a Parsi is to spend all he can to relieve misery. The trend of true charity lies, according to my views, in providing for the poor and the helpless of our own community before turning our attention to other objects and in this direction our Hindu brethren set us a most valuable example.

Mr. Justice Daver expressed similar views at a Parsi public function some years later.

‡ In politics also Sir Pherozeshah held similar views? Cf.—

"To my mind, a Parsi is a better and truer Parsi, as a Mahomedan or a Hindu is a better and truer Mahomedan or Hindu, the more he is attached to the land which gave him birth, the more he is bound in brotherly relations and affection to all the children of the soil, the more he recognises the fraternity of all the native communities of the country, and the immutable bond which binds them together in the pursuit of common aims and objects under a common Government." (Presidential Address, 6th I. N. Congress, 1890.)

"How often have we all pointed out that to ask Englishmen to look to their own interests in this country, is not only selfish but short-sighted and unwise. To ask the Parsis to isolate themselves and their interests from those of the other natives of this country is to preach something not only equally selfish, but a great deal more short-sighted and unwise. In our case, it would be almost a suicidal policy. Its ultimate effect would be only to reduce us to insignificance." (Advocate of India, 31st August 1889.)

sacred duty to them, their community and their country—a duty which it would be ungrateful and unworthy of a great community like ours if we let it unredeemed in these times of our great prosperity and affluence. (Loud applause.)

Sir Pherozeshah concluded by congratulating the Managing Committee, Mr. J. P. Mistry, the Secretary, and Mr. Dhondy, the Principal, on the excellent work they were doing in connection with the Institution.

BOMBAY LEGISLATIVE COUNCIL.

THE BOMBAY BUDGET OF 1912-1913.

At the Meeting of the Bombay Legislative Council held at Poona on 8th July 1912, the Hon. Sir Richard Lamb introduced the Budget of the Government of Bombay for the year 1912-1913. The debate on it continued till the following day when Sir Pherozeshah spoke as follows.

Your Excellency,—I only propose to say a very few words on the Budget on this occasion. I join my voice to the complaint which has already proceeded from the non-official members of the Madras Legislative Council that the arrangements, which were propounded by the New Reforms Act and which were supposed to be framed with a view to bring non-official members into closer touch with the preparation and discussion of the items of the Budget, are, as the non-official members in the Madras Legislative Council called it, more or less of a farce, not in the way of inveighing against any individual person, but under the stress of circumstances which could not permit the non-official members to take that part in the framing and discussing of the Budget which it was at first thought the new rules would allow them to do. Perhaps, Your Excellency, I would explain what I mean to convey by giving a concrete instance of this year. As soon as the Budget proposals were ready, we immediately proceeded with the appointment of the finance committee. When the finance committee was formed I, as one of its members, received the Budget proposals on a Friday and was asked to attend the meeting of the committee to consider them on the following Monday. I think it would be recognised that it is almost impossible for a non-official member to master the proposals prepared after careful consideration by the Finance Member within the time which was thus given to the non-official members. I did not attend the meeting on Monday, because I thought it was perfectly useless to do so and because I had another important engagement on that day. I thought the deliberations of the Committee would at least take such time as would enable me to go through the proposals and to be present on the following Tuesday or Wednesday to take my part in its deliberations. Unfortunately the committee wound up its affairs on that very Monday, and nothing remained to be done but to sign the final report made by the Committee. It is perfectly true that

when the Budget came again before the Council after it had been referred to the Government of India, it was open to the members to bring forward resolutions on specific items. But I think it will be admitted that the procedure by way of resolutions is one which is most cumbrous and hampers non-official members to a very great extent in going over the various items, and even if they confine themselves to two or three principal heads, they find it is absolutely impossible to cover the various topics and subjects. In the old days when this arrangement did not prevail, there was a great advantage in the general debate which was allowed on the Budget during the rains in Poona. It was a custom hallowed by practice and, I must say blessed over and over again by Governors and Viceroys who encouraged the general discussion of the policy of Government. Unfortunately Your Excellency has ruled that this debate must be confined within the narrow limits of items in the Budget itself. From the reports which I have read in the papers as to what fell from the Hon. Sir Richard Lamb yesterday, I find that he enjoined members to confine themselves to the relevant matters in the Budget only. I confess for one that the twenty minutes allowed even for that purpose are not sufficient for covering, what you might say, two or three important heads. For instance, I should have liked to make some remarks about the head, "land-revenue." I should have liked to explain what took place on the previous occasion on the Council as regards restricted tenures. But it is always impossible for members to place their views before the Council so as to be understood and followed without going through the historical account of what has happened in the past. That would in itself take more than twenty minutes. In the same way I should have very much liked to speak on the educational heads of the Budget and discuss the policy of Government as regards primary education, secondary education and the higher University education. But it always strikes me that it is utterly impossible to do justice to anything that you might desire to place before the Council within the space of twenty minutes. The honourable non-official member of the Madras Legislative Council, who has raised this point, suggested that the finance committee should be made the standing committee throughout the year, and I put it to Your Excellency and the Council if a remedy of that sort may not prove an efficient and practical one. From the remarks which fell from the Hon. Sir Richard Lamb and which I read in the papers, I find that he himself says that the discussion of various items of the next year's Budget are already proceeding. If that is so, it is very desirable for this finance committee to be converted into a standing committee, so that its members may have an opportunity of discussing these questions as they arise, and may not have to wait till the end of the year. I do not blame any one for this result, because so far as the way in which the finance committee can work is concerned, it is restricted by the preparation of the Budget locally as well as by the necessity of sending it for consideration by the Government of India. It seems impossible, if the present arrangement is followed, that justice can be done either by the members of the Government or the non-official members. They are limited by the requirements of time for passing the proposals from one person to another. The only remedy for this at present seems to be that

the finance committee should be transformed into a standing committee, before whom the Finance Member should bring forward his proposals as he himself considers them and then send them on to the Government of India. It appears to me that some remedy must be found to give effect to the one great object of the reforms which, as Lord Morley distinctly put it, was to enable the non-official members to be in closer touch and contact so as in a manner to take a really efficient and active part in the preparation and consideration of the Budget.

BOMBAY LEGISLATIVE COUNCIL.

A BILL FURTHER TO AMEND THE CITY OF BOMBAY IMPROVEMENT TRUST ACT, 1898.

At the Meeting of the Bombay Legislative Council held at Poona on 9th July 1912, the Hon. Mr. M. B. Chaubal moved the first reading of Bill VII of 1912 —a Bill further to amend the City of Bombay Improvement Trust Act, 1898. The Hon. Sir Pherozeshah spoke as follows.

May it please Your Excellency,—In rising to offer my observations on the first reading of this Bill, I confess I heard with astonishment the speech made by the Honourable Member in charge of it. Your Excellency, I cannot help firmly but respectfully complaining bitterly of the treatment which, as set forth by the Honourable Member himself, has been accorded to the Municipal Corporation of the City of Bombay in regard to the preparation of this Bill. From the account given by the Honourable Member of the way in which the amending Bill was prepared, it was perfectly clear that everybody who has anything to do with it—the Improvement Trust, Government and even the Municipal Commissioner,—has been over and over again consulted in the preparation and revision of the Bill. But the Corporation, which has most to do with it, has been left out of account except in regard to the question of financial readjustment. Your Excellency,—so far as this Improvement Trust Act Amending Bill is concerned, the Corporation and the Corporation above all, is the body which is most intensely and actively interested in it. That is the body which supplies not only the sinews of war, but is also responsible not only for the legitimate financial operations of the Board but even for its blunders and errors. For, Your Excellency, under what are called the bludgeon clauses of the Act, it is the Corporation which makes good any deficiency or failure of the Improvement Trust in making necessary payments to the people entitled to them. It is, therefore, the Corporation which is the body most vitally interested in the matter. I bitterly complain that in the preparation and revision of the Bill, everybody even those who were least interested in it were consulted, and it was the Corporation and the Corporation alone that was left out of account.

Now, Your Excellency,—what is the position which the Municipal Corporation occupies in this matter? But before I go to that point I cannot help making one further remark, and it is that the Corporation has been treated in the apportionment of powers and burdens as Prince Hal described Falstaff's meal of bread and sack—the tiniest bit of bread and an intolerable quantity of sack. My honourable friend almost made it a boast in his opening speech that the Corporation had not been forgotten in the distributions of loaves and fishes and increased powers at least in two instances had been their share. What are they? The first one is this. Under the present Improvement Trust Act the Corporation and the Municipal Commissioner exercise a predominant voice over the action of the Board in framing improvement schemes and one of the sections of the Act requires that when an official representation, as provided in that section, has been made to the Board, they are bound to take up that scheme if they find that the representation with regard to the sanitary condition of the area concerned is correct, and that their financial resources enable them to undertake the work. That is the provision in the present Act. It is proposed under the amending Bill to take away the obligation thus imposed on the Board requiring them to undertake a scheme for which they have received an official representation and in its place to give the Corporation only a right of appeal to Government against the refusal of the Board to undertake it. In other words, the Bill takes away by far the larger power hitherto enjoyed by the Corporation under the section of the Act and gives them the solace of an appeal only in its place, and yet the honourable member says, we are increasing the powers of the Corporation because in case the Board do not take up such a scheme as presented by the Corporation, forsooth the Corporation has under the amending Bill the power to appeal to Government.

The second matter in which the power of the Corporation is alleged to be increased is with regard to the acquisition of lands with buildings upon them. The honourable member said that at present when the Board require for their purpose any Municipal land with buildings upon them they have not to pay for them. Now, it is proposed that the Board should be required to pay for them, though they may take away vacant land and streets, not for the purpose of adding to the streets, but for any purpose for which the Board may require it in connection with their schemes. Your Excellency will see how unjust the provision is. Up to now the Board had power to acquire streets and land vested in the Corporation only for inclusion in a street, but under the provision of the amending Bill a street or vacant land can be taken away not for the purpose of adding it to other streets—because if that is done it would eventually again become the property of the Corporation under the Act—but for any purpose for which the Board may require it, including sites for building.

These are the examples which my honourable friend gave of the increase of powers given to the Corporation under the amending Bill. But, Your Excellency, against that I will ask the members of the Council to bear in mind what it is that the Corporation are required to do and to what extent the resources of the Board

are required to be supplemented by the Corporation under the amending Bill. Under the present Act a maximum rate of not more than two per cent. on the rateable value is liable to be demanded by the Board in case their accounts show that they require that for their purposes. The Corporation have ungrudgingly given the Board all that they required out of the two per cent. from time to time as their own accounts might show. Now, at the time when the present Act was passed the two per cent. was named because the object of those carrying out the original Bill was to provide Rs. 5 lacs for the operations of the Board; and as it was found that the Municipality then recovered Rs. 2½ lacs at the rate of one per cent., a rate of two per cent. would make up the anticipated maximum amount of Rs. 5 lacs. Now, what does the amending Bill require the Corporation to give to the Board? The two per cent. still remains, but it now fetches Rs. 9½ lacs and all these Rs. 9½ lacs the amending Bill requires the Corporation to pay to the Board without the previous limitation. Now, instead of Rs. 5 lacs, which was the original estimate for the purpose of enabling the Board to carry on their operations, under the amending Bill, the Board will be able to get the full amount of Rs. 9½ lacs at once. But that is not all. Under section 79 there was a provision deliberately inserted in the old Act after very careful consideration—I can speak on that point with some authority because I was concerned in the preparation of that clause in the Select Committee—which made an apportionment of the profits in which Government and the Corporation got their respective shares; and some time ago the Corporation received a sum of Rs. 16 lacs. Under the amending Act there will be no apportionment at all and the money will remain with the Board. I do not want to complain of injustice, but what I want to point out is that the amending Bill increases the resources of the Board, which are taken from the Corporation to an enormous extent. It is perfectly true, and I must not forget it, that the Board forego their portion of whatever their accounts may show under section 73 in regard to the difference of the calculation of rates as provided in the Act. This year the sum due to them came to about a lac and some thousands. But to my surprise my honourable friend quietly and glibly said in bringing one clause against another that the Corporation will be required to pay up to the present year, while the Board will not be required to give the profits up to the same date. Of course, this is a matter which can be dealt with in the Select Committee; but I say it is a most inequitable arrangement between the Corporation and the Trust. As a matter of fact, this year when the Trust demanded this sum of a lac and some thousands of rupees under that section, the Corporation pointed out to them: "You are entitled to that sum, but as you have upon the state of your own accounts to pay a sum of Rs. 4 lacs and some thousands, we are quite willing that you deduct that amount and return us the balance." But to my surprise I find that Government have put in a one-sided clause which would enable the Board to keep the Rs. 4 lacs and odd and will require the Corporation to pay the one lac and some thousands. Alas! the poor Corporation! It is the old story of Cinderella once again. These are the accretions to the revenues of the Board.

Your Excellency,—the position taken up by the Corporation with regard to them is this. They say: "We are willing that this financial re-adjustment of liabilities should take place; that instead of the Rs. 5 lacs which is conditionally payable by us to the Board, the Board may be entitled under the amending Act to receive every year a total sum of Rs. 9½ lacs, which is the sum at the rate of two per cent. according to the present calculations and which may go on increasing, if not every year, yet at short periods of time; that the Board may be given the further power of not apportioning their profits as they have done under section 79; and that the Board may be thus placed in the position of better carrying out the work of improving the City of Bombay sanitarily. But what we say is that we are entitled to ask Government that the Board should be composed in such a manner as to ensure their spending these large sums of money, which we will place at their disposal, in a proper and well-considered manner, and their discharging their liabilities efficiently and satisfactorily." That was the reason which led the Municipal Corporation to send the amendment which stands before the Council practically in my name. It was not for the purpose of getting other amendments of the independent sections of the old Act that the Corporation have set in their representation. This is a consequential proposal for the purpose of putting the Board in a position or condition in which they may be able to carry out their heavy duties of responsibility which lie upon them in disbursing such large sums which would be placed in their hands under the amending Bill.

It is a very important question for the public to see that the large sums which they will be required to provide for the improvement of the city are properly and satisfactorily disbursed by the body in whose hands they are placed, because they say that the operations of the Trust in the past have been carried on in a manner which has left very much to be desired. As the Corporation in their representation, which they made to Government as far back as 1901, pointed out, the City of Bombay was built in the older time in a straggling manner and was in such a situation that if you demolished any one part of it you cannot help making some improvement. But that was not all. The work which was placed in the hands of the Improvement Trust Board was not simply a haphazard one of pulling down houses, but it was of a far more responsible character and required far more careful treatment. Your Excellency, I think it is now generally admitted that in its very inception the Board erred in trying to carry out big ambitious and expensive schemes instead of doing what the Corporation very soon afterwards pointed out to them they ought to do. The Corporation told them that they should in the first instance carry out a sanitary survey of the City of Bombay, prepare a sanitary plan of the improvements and changes that would be required in the process of time, and then, having done that, to take up small areas for improvement as their resources premitted them to do—small areas which would fit into one another as the schemes proceeded time after time. But instead of following the advice the Corporation gave them, they, as I said before, took up large, ambitious schemes prepared by gentlemen deserving of great credit in their own lines but not specially trained in the line of work with which they were

entrusted. The two big schemes—schemes Nos. 2 and 3—the Sandhurst Road scheme and the Princess Street scheme, were undertaken under the orders of Government as is now admitted, on plans prepared by two officials of Government—Sir James Campbell, who though acquainted with the conditions prevailing in Bombay was not an engineer, and Mr. Playfair Reynolds, who though an engineer was not acquainted with the conditions of the City of Bombay. These schemes were taken up at once under mandate. The Board commenced operations, but without having any regard to one of the most important considerations which ought to have been present in their minds that in carrying out such large schemes it was absolutely necessary that they should in the first instance provide for the accommodation of the people who would be displaced by the working of the schemes. That was an essential part of the work which was left to take care of itself. It was found that instead of serving the purpose for which the Trust was originally created, namely, to improve the insanitary areas with a view to stamp out plague, the condition of the city became more insanitary than ever before, and instead of doing good as was expected it would, the rate of mortality actually increased. I do not know if any members have read recently in the newspapers that Surgeon-General Lukes has pointed out that it is not perfectly clear that so far as the prevention of plague is concerned large sanitary measures are of no use whatever. What is required is domestic and personal hygiene. That has been the experience of the city in that respect and, as I say, it has resulted in the increase of insanitation, and that result has been brought about in consequence of the composition of the Board which was organised under the Act. That Board, as Your Excellency is aware, consists of three *ex officio* members, the Chairman nominated by Government, four members appointed by Government, four members elected by the Municipal Corporation, one by the Chamber of Commerce, one by the Port Trust, and one by the Mill-owners' Association.

Now, Your Excellency, what the Corporation point out is that when they are the persons who provide means to carry out the operations of the Board, surely it is the Corporation who ought to have a proportionately predominating voice in that Board. Instead of it Government monopolise the whole thing. I again distinctly say that the powers vested in Government under the Act are of such a character that the Trust could not but become a department of Government. It would be realised that not only Government are represented on the Board most efficiently and powerfully, but that the Chairman of the Board is nominated by Government. I do not complain of that but what I say is that he is a Government official, and the power thus placed in the hands of Government by that single circumstance is enormous. But that is not all. When a scheme has been prepared, whose is the power that sanctions or rejects it? Absolutely and entirely that of Government. In fact, it is Government who have an absolutely predominating power in controlling the operations of the Board. Any scheme prepared by them goes to Government for sanction and so also any alteration of it. Thus, in reality, though Government contribute by far the smallest amount to the expenses of the Board, they have absolutely the

deciding voice in the whole matter. The Corporation say they ought to be treated differently. They provide the funds to a very large and enormous extent, and surely, leaving the sanction of schemes to Government--which in itself is a power of high control—if the Board are to control this expenditure it should be composed in a manner in which the representation of the Corporation is proportionate to their burden. That is the way in which the Corporation wishes this Council should deal with the financial arrangement. It is only fair and just, and right and equitable that they should be fairly represented on the Board. I ask Your Excellency if this is an unreasonable or unfair or inequitable demand to make, or is it in any way an attempt to introduce in the amending Bill, brought in for certain purposes only, an independent amendment on a matter of separate interest altogether? I say that the proposal for the composition of the Board is an absolute consequence of the change in the financial arrangement which is proposed to be carried out under this Bill. I know, Your Excellency, that the cry of the Corporation in this matter may be a cry in the wilderness. It may be said, as was stated on a previous occasion, that if even Government were inclined to move somewhat in the direction suggested by the Corporation, then it would be necessary for them to make a reference to the Government of India and to the Secretary of State. But I will remind Your Excellency of the observations that were made by Sir Steyning Edgerley when he asked for the appointment of the Select Committee on the previous amending Bill. Your Excellency will find from it that he asked for a long date and gave it as his reason that in case Government accepted any further amendments of the proposed measure more time would be required, so that Government might be in a position to communicate with the Secretary of State, and he therefore laid it down that two months' time was insufficient. In view of the fact that he distinctly stated this, I ask Your Excellency why that course should not be followed even at the present time. If a reference may be necessary either to the Government of India or to the Secretary of State, why should Your Excellency not appoint a Select Committee with a somewhat distant date for its report, so that if it is found right and reasonable, some consequential alterations may be made in the amending Bill and if Government thought that they were powerless to accept them without a further reference to the Secretary of State they might have time to do so.

Your Excellency, it has been said that the Select Committee on this Bill are to be asked to commence their labours at once. I ask Your Excellency to say how unreasonable such a course would be to the Municipal Corporation. Government, the Trust and the Municipal Commissioner took a long time to offer their observations and remarks on the revised Bill. The Corporation got a draft of this Bill in the last week of April. It must be recognised that the Corporation can only act under statutory conditions. They were however assured that in case they might not be able to approach Government in time for the first reading, their views and representations will be considered between the first and second reading of the Bill. But I ask Your Excellency what would that be worth if the Select Committee

at once proceeds to consider the Bill without the views of the Corporation before it. It would be urged at the second reading of the Bill that it is too late for the Council to do anything in the matter, as these views had not been reported upon by the Select Committee. I therefore submit that this matter should be carried out in such a manner as to give the Corporation adequate time to place their views before Government, particularly in a matter of such great importance and magnitude as this. Your Excellency, the honourable member in charge of the Bill said that this amending Bill has been brought forward mainly for the purpose of carrying out certain urgent alterations which were required for the purpose of the proper working of the Improvement Trust. But when my honourable friend went over the sections one by one it was impossible not to observe on what a large range of subjects and on what a numerous body of sections various small and minor amendments have also been proposed. New amendments which were never considered before have been introduced in this amending Bill. To my mind this is about as large an amending Bill as the last Bill was, and in the course of the discussion which took place on the last Bill, the amendments sent in at the first reading were referred to the Select Committee so that it might have an opportunity of considering them. I did not state that the amendment of which I gave notice on the present occasion was going to be moved at the first reading of the Bill, but I said at the proper time. I never asked that it should be voted upon in this Council at the first reading. What I asked was that it should be referred to the Select Committee—a course that was followed on the previous occasion without any objection whatsoever being taken to it.

There are various other points in regard to this amending Bill which require careful consideration. For example, I refer to that one which allows the Board to draw up a set-back scheme. That is to say they will draw up a set-back line in a street for the purpose of enlarging it and work it at leisure. I do not know whether it has been considered that such a proposal would not be of a most impracticable character. The Municipal Corporation have been endowed with the powers of laying down set-back lines for years past, and I do not know whether the members of the Council are aware that besides the large sums of money which the Corporation have contributed to the expenses of the Improvement Trust, they are spending a large sum of money every year for the purpose of acquiring set-backs for widening streets something like four lacs a year. Now, how would these schemes be worked? Suppose if the Corporation lay down a set-back line which the Improvement Trust would not approve, what would be the result? I was not aware that this would be included in the amending Bill, it makes its appearance for the first time in the present Bill. I must say that I am astonished that this should be inserted without giving any reason for it in the statement of objects and reasons.

Then with regard to the question of "The Flats", I do not know whether the members of the Council are aware that when the present Act was before the Legislative Council, I raised a very strong contention with regard to the right of the Corporation to have the Flats included in the lands contributed for the purposes of

the Board by them. That contention was based on the acknowledged grounds which I had taken the trouble to prepare by looking up all the old documents and I was able to show that Government had passed a resolution after long deliberation and consideration between themselves and the Corporation that these Flats were to be made over to the Corporation for certain purposes. It is perfectly true that a legal document was not prepared and passed, but the fact that Government did pass a resolution is never denied. I submit that if the Corporation have not a technically legal right, they certainly have a moral and equitable claim over it. Sir Charles Ollivant, who was in charge of the Bill, yielded to my contention to a large extent, and the Flats were not included in Government lands in Schedule C but were to remain as they now were. Now, what it is proposed to do is that after devoting a certain portion to the race-course, the rest of the Flats are to be vested in the Board. It would be said that this means that it would be ultimately vested in the Corporation. But I think the proper course to follow is to recognise the title and the moral and equitable right of the Corporation to the Flats and to put them in the lands given by the Corporation for the purposes of the Trust in Schedule D.

I do not want to detain the Council by going into various other details of the Bill which require to be very carefully examined, but I have just given an idea of the attitude of the Corporation in regard to this measure. It is their cordial desire to co-operate in the work of improving the city sanitarily, but they say it should be done in such a manner that the best results may be obtained from the large expenditure which they are called upon to provide for the purpose. As I have said the Board's operations have not inspired that confidence in the Corporation which they have a right to demand.

Now, I have one more observation to make. The present situation of the Board is not satisfactory even with the liberal assistance of Rs. 50 lacs which the Government of India have given. The state of things to which the Improvement Trust Board is reduced is that, after devoting their funds to the Sandhurst-Crawford Market Road absorbing all the 50 lacs, they will have no resources available for taking up the schemes for improving the numerous insanitary areas which still cluster in the heart of the city. I was very much interested—and to some extent amused—by the lecture which my honourable friend the Chairman of the Trust Board, recently delivered on the subject. He said that improvement schemes should no longer be on the lines on which the Trust have worked in the past, but that there should be new lines, the burden of his song being that the whole cost of improvement should be put on the shoulders of the owners of property. I cannot conceal from myself that this is an attempt to cover the situation in which the Board are at present placed and their inability to carry out the schemes of improving many insanitary areas in the city, a thing which has contributed in making the sanitary condition of the city nearly as bad as before. Your Excellency must remember that the mortality tables for the last forty years show that while immediately after the passing of the first Municipal Act of 1865 for a period covering about 25 years the mortality rate in

Bombay had gone down to 20,000 to 25,000 a year. The increase began from 1890 till it culminated in 1897, when plague broke out. The figures show that the number of deaths in 1897 was 47,896; it was 56,434 in 1899; 79,350 in 1900; 59,495 in 1901; about 48,000 in 1902; about 50,000 in 1903 and so on. And at the present moment in spite of the enormous expenditure which has been incurred on what has been called the sanitary improvement of the city, the death-rate has never gone down below 40,000—a state of things worse than in the 60's and 70's. That is the result of the work of the Improvement Trust so far as the sanitary condition of the city is concerned. The ambitious schemes upon which the Board have embarked remind me of a remark in a speech made by Mr. Harcourt that ambitious projects founded upon imperfect information are generally most mischievous. This has proved true in the case of this city, because in spite of the enormous expenditure that has been incurred by the Board on their operations, the Sanitary condition of the city has not improved to that extent to which it was expected it would under all circumstances. I, therefore, submit, Your Excellency, that in referring this Bill to the Select Committee it should not be prevented from considering in what way the Board should in future be composed in view of the large responsibility to be imposed upon them by vesting in them increased resources under the new Act. With these observations I will ask the careful attention of the Council to the character of the amending Bill which has now been introduced.

The first reading of the Bill was passed and the latter was referred to a Select Committee consisting of nine honourable members, Sir Pherozeshah being one of them.

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THE BOMBAY CORPORATION AND THE IMPROVEMENT TRUST.

At the Meeting of the Bombay Legislative Council held at Poona on 26th September 1912 the Hon. Mr. Chaubal moved the second reading of the Bill further to amend the City of Bombay Improvement Trust Act. The Hon. Mr. Fazulbhoy Currimbhoy in his speech referring to improved sanitary dwellings said:—

"The mill-owners have always represented that they will not fail to co-operate with the Trust in providing sanitary dwellings for their workmen; yet they have been described as inhuman and selfish, and, when they show their willingness to accept what Sir Pherozeshah Mehta calls cumbrous and burdensome provisions, the members of Council are calmly told by the champion of humanity that dishonest employers will frustrate the end in view of providing cheap sanitary dwellings for the poorer classes. The distrust of his fellowmen ill becomes Sir Pherozeshah, and, if it were universal would make all progress impossible."

Mr. Fazulbhoy having finished his speech, Sir Pherozeshah spoke as follows.

Your Excellency,—It is generally imagined that affection yearns in a peculiar manner towards the youngest born. I do not know whether this adage is universally applicable, but, I think, I can confidently state that so far as the present Bill before the Council is concerned, it affords an instance of the way in which partiality is shown to the youngest born against the elder sister. The Municipal Corporation of the City of Bombay and the Board of the Improvement Trust are both creations of

the Legislature for the purpose of looking after the welfare of its citizens and carrying out improvement in the sanitary condition of the City. But when you examine this Bill carefully you cannot help seeing that it is the younger sister who is dowered in every possible way at the expense of the elder sister. In the first place, as I pointed out on the occasion of the first reading of the Bill, the poor Corporation was—except, as I then observed, with regard to the financial readjustment against itself—entirely left out in the cold and the number of provisions in which it was vitally interested were drafted in the Bill before the Corporation had any opportunity of offering its views about them. I shall presently show that though under one of the most important portions of the Bill, which related to what was originally called "the set-back provisions" but which under the alterations made by the Select Committee is called "the Deferred Street Schemes," the function of the Corporation was overlapped by the Improvement Trust, it was not consulted beforehand in regard to it. But leaving alone those questions, in regard to the one point on which the Corporation was consulted, namely, the financial readjustment, it is the Improvement Trust which has got the best of it in every direction. The Government have been good enough to say that they have drafted this Bill with special reference to the urgent requirements of the Improvement Trust and that therefore they cannot incorporate into it other matters of a more controversial character in which the Corporation might be interested. Well, Your Excellency will pardon me for saying that I fail to understand why the requirements of the Improvement Trust should be so comparatively quickly satisfied, though it had taken a long time without any opportunity having been given to the Corporation for the purpose of urging various matters of importance in connection with the amendment of the Bill. So far as the financial readjustment is concerned, what do we find?

Under the old Act the Corporation was bound to pay a maximum of Rs. 5,00,000 to the Trust for the purpose of enabling it to carry on the operations entrusted to it under the Act. But it is generally forgotten when it is said that the Corporation were bound under the Act to pay 2 per cent., that the real intention of the framers of the original Act was that the Trust should be endowed with a fund of 5,00,000 a year. The 2 per cent. was fixed because at that time one per cent. of the rates fetched Rs. 2½ lacs; but as I said it was forgotten that the original idea was not to pay 2 per cent., but to give something which would bring to the Trust a total sum of Rs. 5,00,000. But in doing that, the original Act took the precaution of putting it in this way—though it has been subsequently denied—that the Corporation is bound to give so much of the 2 per cent. as the Improvement Trust may require for its purposes. I was rather surprised to see in the speech of the Honourable Member in charge of the Bill an observation that under that section the Corporation gave to the Trust what it liked. I may be pardoned for saying that that statement is not a correct one. A good deal of dispute and question arose with regard to the liability of the Corporation under that section, and the Honourable Member in charge of the original Act distinctly pointed out that they were providing to pay the Improvement Trust as much of the proceeds of the 2 per cent as

the Board required for its purposes. So the Corporation exercised no arbitrary will of its own. It willingly and readily advanced every year to the Trust a sum which its own Budget showed was required for its expenses with liberty to ask for more out of that sum if circumstances showed that a larger sum was required. Now the present Bill makes it compulsory upon the Corporation to pay the full proceeds of the 2 per cent., and in considering this provision, it is to be borne in mind that 2 per cent. no longer means Rs. 5 lacs, of the rate-payers' money, but it means 9½ lacs. Even so the Corporation would have been willing to give to the Trust as much as 9½ lacs, as its operations required. The present Bill dowers the younger sister in so far that the Corporation has to pay the full amount without any limitation or consideration. I submit that really speaking this is placing very much larger resources in the hands of the Improvement Trust than was intended even in the original Act and would be considered inequitable and unjust even under the present circumstances.

Then Your Excellency will see that after a very careful consideration a provision was inserted in the original Act under which a certain distribution of profits took place at the end of every year. In the past the Trust had to pay something like Rs. 16 lacs a year by way of distribution of profits, but that is now taken away by the Corporation and is left entirely to the Trust. I must mention in this connection that against that the Corporation was bound to pay to the Trust on a certain calculation a certain amount of money for the difference in rates and taxes. But I may point out to the Council that the annual amount payable by the Corporation to the Trust up to the present has come to about Rs. 2 lacs, while the Corporation's share in the distribution of the Trust's profits amounts to about Rs. 4½ lacs a year. Under the Bill therefore the Trust now permanently gains the difference. But further the Bill deals with the Corporation unequally for last year's payments in this respect. Now, the Honourable Member in charge of the Bill said that this Bill deals fairly with the Corporation with regard to this payment. My honourable friend will permit me to say that so far from dealing fairly with the Corporation it deprives it of a sum of something like 2½ lacs which is already due to it from the Improvement Trust under the present Act. As matters stand at present legally speaking, the Board is bound to pay to the Bombay Corporation a sum of over Rs. 2 lacs being the difference between the share of the Corporation in the profits of the Trust for last year which comes to about 4 lacs and the sum calculated under section 73 which amounts to Rs. 1½ lacs. Now, why should the Trust be practically allowed to retain these 2 lacs when the Bill is to come into operation after the expiry of this year? The Honourable Member in charge of the Bill says that we may take it that the Bill was passed in November 1911. But why should we do that? We should take things as they are. The Corporation is entitled to get everything that was due to it for last year. Thus Your Excellency will see that the youngest born sister is dowered with Rs. 2 lacs and the elder sister goes to the wall.

Now, I submit that the powers of the Improvement Trust are very much enlarged as against the Corporation. Take, for instance, the case of official representations with regard to Improvement schemes. Under the existing Act careful provisions were drawn up for the purpose of enabling the Municipal Commissioner and the Municipal Corporation, who are the persons most intimately acquainted with the sanitary conditions of the city, to require of the Improvement Trust to take up schemes which were sent to it, provided that the representation of the insanitary condition was correct and provided that the resources of the Board permitted it to do so. These two limitations provided all the necessary conditions which would be required for the purpose of safe-guarding the Trust from embarking on ill-considered or extravagant schemes. But what is proposed to be done now? Practically the Improvement Trust can refuse to adopt any improvement scheme which would have been sent up to it under the old provision of the existing Act. The present Bill gives a right of appeal to the Corporation to Government. Now, Your Excellency, I wish to speak with all respect of the functions of Government, but I may be permitted to say unhesitatingly that the right of appeal to Government is not a right which in this case is worth anything at all. When the Bill for the present Act was brought into this Council in 1898, I then ventured to point out that if the provisions of the Act were strictly carried out, it would be very easy to reduce the Improvement Trust to a Department of Government. At that time in the course of the debate that took place, the position taken up by Government was that it was not calculated to put the Improvement Trust entirely under Government. But subsequently Government have taken up a far more—I will not say grasping—but a far more comprehensive position. It is now advanced that it was intended from the very beginning that the operations of the Trust should be mainly guided and controlled by Government. Now, Your Excellency, if that is the position which Government take up in this matter, Government are practically identifying themselves with the Improvement Trust, and that being so what is the use of granting to the Corporation a right of appeal to Government against the Improvement Trust which is absolutely and really under the guidance and control of Government. I do not for a moment mean to insinuate that the Government would not exercise their judgment in the matter in the most conscientious manner possible. All that I allege is that taking human nature as it is, it is difficult to avoid a certain bias in favour of a body which is absolutely under its control against a body which is not in that position. I may put it again, reverting to the illustration I have used, that it would be very difficult for a parent to entertain an appeal against the youngest sister brought by the elder sister who is not so much in favour. But, Your Excellency, I must confess in stating all this to the Council, I am stating what is practically of very little value. Taking the whole history of the operations of the Improvement Trust since it was founded, what has the Board done? It has undertaken scarcely two or three improvement schemes. The first improvement scheme which it undertook was the small Nagpada scheme. It was a great success and it would have been of great use to the Trust to have followed the successful example and

taken up other schemes of that character to improve the sanitary condition of the City. Unfortunately, the Act was so worded that it could set aside all the limitations provided in the Act by calling what is really an improvement scheme a street scheme. A large majority of the ambitious schemes undertaken by the Board have been called street schemes and it has thus got rid of the limitations which the Act had imposed upon it in undertaking improvement schemes. The Corporation has pointed out to it from time to time that the great necessity of this City was not ambitious street schemes but the taking up bit by bit the improvement of small areas which were in the most insanitary condition.

Your Excellency will pardon me for taking exception to the carping language in which the Honourable Member in charge of the Bill made a remark in his speech at the first reading of the Bill that the Corporation looked upon the Improvement Trust with jealousy, and constant wrangling was going on between the two bodies. The facts are entirely different. To do justice to the Corporation it must be said that the Corporation always welcomed the proposal to create the Improvement Trust but as its operations proceeded, the Corporation found that the Trust was going along lines which ultimately would not result to the sanitary improvement of the City, and it therefore ventured from time to time not in a spirit of jealousy and antagonism, but in a spirit of wise co-operation and help, to point out that it should not proceed in that way, but should take up small areas which required to be most urgently improved. It was watchfully admitted that for the purpose of improving the City in that manner, the very first measure which the Improvement Trust would be wise in adopting was to obtain a sanitary survey of the City, for without a full knowledge of the sanitary condition of the worst parts of the main portion of the City it was impossible to judge in what way improvements could be best undertaken. The Corporation pointed out this to the Board and even went up to Government and represented to them that it was most desirable and essential to have such a survey undertaken. But as has been nearly always the case our representations were unheeded. At the present moment we find the Chairman of the Improvement Trust admitting that the schemes of the Board were expensive and ambitious, that the resources of the Trust were not sufficient to meet the expenditure and that it is necessary to find out other means whereby a large portion of the City which remains in its old insanitary condition can be improved. Therefore the remarks which I made on the last occasion were made for the purpose of showing that whatever provision you may put in the Act with regard to the improvement schemes would be absolutely of a nugatory character until you restrain the absolute power vested in the Improvement Trust to undertake street schemes. When I come to the deferred street schemes I will point out the great danger which lies in the way of giving absolute powers to the Improvement Trust,—a danger which the Honourable Member in charge of the Bill has not sufficiently realised. Of course, these powers will be exercised subject to the control of Government, yet, the Corporation will have no voice in the matter except that it will have the right

of making representation, a representation which I do not think the Improvement Trust has ever heeded. Having endowed the Trust with larger financial resources, though I am strongly tempted, I resist the temptation and will not refer to the point which I have been trying to make out, that if the Corporation was asked to co-operate in endowing the Trust with larger resources it was in equity and justice entitled to a larger share in controlling and guiding the operations of the Board. However, as Your Excellency ruled my amendment out of order I do not feel justified in entering into a detailed examination of that question. But the Honourable Member in charge of the Bill will permit me to point out that he was not correct when he charged me in his reply with not having shown that the Trust had conducted its operations in such a manner as to render the amendment of this section necessary. I will quote the words of my honourable friend. He says :—"But apart from this, on the merits of the question, it seems to me of importance to note that it is not urged that a larger representation is wanted because in its history of 8 or 10 years the Trust has failed to carry out any of the objects for which it was constituted or that the administration of the Trust is not carried out satisfactorily or that it has been so mismanaged and misadministered that it is not well adapted to efficiently carry out the original object with which it was constituted. Nothing like that has been pointed out."

I was very much surprised that my honourable friend should have made those remarks in his speech. I must say that though I felt most restrained in consequence of Your Excellency's ruling on that occasion, I still placed before the Council the circumstances upon which I argued that the Trust had failed in carrying out satisfactorily the functions which had been entrusted to it, and the main points of its unsatisfactory work I summed up by saying that the Trust had, without the full consideration which a subject of that kind required, embarked upon ambitious and expensive schemes which were rendered the more objectionable by reason of its having failed to provide accommodation for the poorer classes of people who were displaced thereby. That is admitted even by the warmest advocate of the Improvement Trust. It failed in that duty and the result was that other parts of the City became overcrowded and the insanitary conditions of those parts became worse than before. If, as my honourable friend thinks, I had not urged that the Board had failed in satisfactorily discharging its duties, he would have been justified in saying what he said. I venture to submit that I could not have placed before the Council my case in a clearer language than I did to show that the Board of the Improvement Trust had not proved itself competent to carry out the duties entrusted to it. I said at the time that I felt myself precluded from going into the detailed examination of that point because of Your Excellency's ruling. But notwithstanding that I took up the position that the Board had failed to perform its duties in the way in which it ought to have performed and that now that the Government are thinking of endowing it with more resources it should be placed in such a position that the grave mistakes which it had committed in the past may not be repeated in the future.

Your Excellency will permit me in this connection to make one remark that all throughout that debate it was tried to make out that certain principles had been fixed upon and it was not possible to go back upon them. Now, when that contention is put forward I venture to ask the Members of the Council to remember the circumstances under which the original Act was introduced in this Council. It was a time when Government, the City and the Corporation were in a state of unrestrained panic in consequence of the ravages of plague, and everybody cried out reasonably or unreasonably that something should be done for the purpose of—what was then a favourite phrase—stamping out plague from the City. There was no time therefore to go into a full or careful consideration of the measure that was proposed. Everybody thought that it was the bounden duty of the state to do something for the object which they had all at heart. Therefore, it is that the present Improvement Trust Act is full of serious and grave defects. Nobody studied the measure too minutely for examining the principles. It was meant to allay the panic. And when these were the conditions under which the Improvement Trust Act of 1898 was passed it is rather hard that the people should be now told when they ask for amendment that those principles were laid down carefully and deliberately and therefore should not be altered. Those who then spoke in this Council on behalf of the City and the Corporation, recognised that the Act which was being passed in such haste and panic, could not well be considered carefully and deliberately in every detail and in every essential principles at a time when the pressure upon everyone's judgment and discretion was so very great. However, it is not for me to say anything more upon this subject. Your Excellency's ruling has put me out of court and I bow to your decision so far as my amendment is concerned.

But even taking the Bill as it now stands, apart from the amendments which the Corporation has suggested, I think the essential provisions of it are open to very grave objection. I will not refer to minor points, but I will take up the two provisions of the amended Bill as settled by the Select Committee to which special reference in regard to myself has been made by the Honourable Member in charge of it and which has been supported by a series of wonderful arguments by my honourable friend Mr. Fazulbhoy. I ventured to characterize those provisions which relate to the poorer classes as ostentatious makeshifts. I have heard the Honourable Member in charge of the Bill denounce me for using that phrase, for he says he cannot understand the state of mind in which I brought myself to use that phrase. But he will pardon me if I tell him that I am quite impenitent on that point and that I still maintain that these clauses are makeshifts to cover the failure of the Improvement Trust to do what it was bound to do under the Act and which it now finds itself unable to do. It has been admitted that for a long time when the Board was going through the two large schemes, the Princess Street scheme and the Sandhurst Road scheme, it took no measures for providing accommodation for the poorer classes of people who were displaced. It is true that later on it woke up when the Municipal Corporation and its late lamented Commissioner Mr. Harvey pointed out to

it that the state of things had been becoming worse than before because of the overcrowding occasioned by its large schemes without such provision. I will ask, even up to now, what is the sum which the Improvement Trust has thought itself justified and competent to spend on this important measure? The chawls built by them for poorer classes have not cost more than Rs. 15 lacs. At the time when this Bill was laid before the Council a calculation was made that the Improvement Trust should spend Rs. 75 lacs for this purpose. But I venture to maintain that it is impossible for the trust to find money for this, considering the way in which it is proceeding with its other larger street schemes. My honourable friend, if I heard him aright, said that with the finances at its disposal the Improvement Trust should have built a larger number of chawls for this purpose. I confess that from such knowledge that I possess of the finances of the Board, I can say that it was scarcely possible for it to spend money on the chawls in the manner presumed by the Honourable Member in charge of the Bill. In fact, it has no money after undertaking the Sandhurst Road Crawford Market Scheme—which is a jaw-breaking name. This scheme will absorb not only the grant of Rs. 50 lacs which is Government of India's gift to the Improvement Trust and to which it was in fairness entitled not for any special work but in consequence of the difference in the amounts which Government and the Corporation thought of placing at the disposal of the Improvement Trust under the original arrangement, but also another sum of Rs. 16 lacs which the Chairman of the Improvement Trust said would be saved from the different undertakings. In fact, all available money in the hands of the Improvement Trust would be absorbed in this one street scheme and there would be absolutely nothing left for taking up any scheme for providing accommodation for the poorer classes. And that is why I call the present measure a makeshift. My honourable friend Mr. Fazulbhoy said some hard things about me. He dubbed me champion of humanity. I am glad he has dubbed me champion of humanity, but he was surprised that I should not have come forward in the cause of the poorer classes of Bombay. My honourable friend forgets that my position is this. I go against these provisions because I really and honestly believe that they will not serve the objects for which they are introduced. It is all very well to say that there are employers of labour such as mill-owners who are ready to come forward and to take up loans under the provisions of this Bill. Now, I also have some experience of the various classes of people in the City of Bombay, and I venture to say though it is not safe to be a prophet—that not more than three or four people will come forward to avail themselves of the provisions of this Bill. How is it that some of those mill-owners, who draw large commissions from their mills, have never come forward yet to do this? So also employers of labour in many parts of the world have never come forward to provide accommodation for the people whom they employ. I should like to know if my honourable friend Mr. Fazulbhoy, who is connected with the mill industry for some years past, has ever entertained a proposal of this character at all. I know of one instance in which so far as the City of Bombay is concerned an attempt was made to build chawls for the labourers employed at the mill—I mean the Morarjee

Goculdas Mills in Bombay. But the agents and owners of these mills distinctly said that they proved an utter failure, that it was not possible for them to get people to occupy them, and that therefore a considerable portion of the money which they had employed for the purpose was really thrown away. But leaving that alone, will they come forward now that this righthand of co-operation is offered to them by the Improvement Trust? I say that not more than three or four will come forward, not even so many as that. The reasons are very clear to me and to all reasonable men who have anything to do with this matter. I was surprised to hear my honourable friend Mr. Fazulbhoy say that I had offered gratuitous insult to the employers of labour in the City of Bombay. Surely, my honourable friend does not mean to convey that all employers of labour—mill-owners and mill-agents—are patterns of honesty and propriety and not one of them deviates from the right path of duty and does anything which is objectionable. If he thinks so, I am sure the days of millenium have come over this world. But how can a man acquainted with the mill-owners say that they are all honest and that it is a gratuitous insult to say that some of them are not of the same pattern? Of course, I will not go into personalities in matters of this character, but I hope anyone who is acquainted with—I was going to say patterns of morality—with patent facts with regard to these matters can state that there are good men and bad men among them as among all classes of people.

When we look to the provisions of the Bill, what do we find? I will refer to one or two clauses. Take it that hands have been joined by the Improvement Trust and the employers of labour to build houses for the accommodation of labourers. How is it to be satisfactorily arranged that the mill-owners will only allow their own labourers to reside in them? What is the guarantee that the people employed in those mills only will live in them? As a matter of fact, perhaps the labourers themselves would object to go into such chawls. Sometimes a labourer is alone; more often than not he has relations and friends. Are they to be allowed to go and live there? And if they are not allowed to go in, who is to take the place of such labourers? It may be said that in that case you may put in a man of any poorer class. But then, who is to judge of that? Is the mill-owner to judge who is to go in and who should be turned out? What is the provision as to the rent to be charged? That we find in section 32 H. (Reads.) Now, there is nothing in the Act to show to the Board how is it to fix the maximum rent. The Board may fairly think the maximum rent to be 4 per cent. That can be arranged in consultation with the Board. But where is the guarantee that the maximum rent fixed at such low percentage as 4 per cent. would not be a far greater burden to the labourer than he is now able to pay? How is he to be able to pay a larger amount than circumstances have hitherto permitted him to pay? It must be remembered that the experiments of the Board have shown that it is impossible for its own chawls to be filled unless it runs them in such a way as to pay less. I think in settling the matter of this kind it is necessary that the employers and their men should come to an understanding as to what

rent should be fixed so that the men might willingly go and reside in such chawls. To my mind it is utterly impossible to fix these rents without regard to the economic circumstances which surround the labourers, for it is quite patent that if the men cannot pay 4 per cent. you cannot get them to go and live in such chawls. Then, again, 4 per cent. having been fixed as maximum rent, how are you going to prevent employers and labourers from coming to some understanding by which the labourers would have to pay more than the maximum rent. These things, I say, make one come to the conclusion that it is all very well to put those clauses in the Bill and to speak about them in the manner in which my honourable friend Mr. Fazulbhoy has spoken. In carrying them out in practice, the difficulties in the way would be almost insuperable. Then, I think, my honourable friend Mr. Manmohandas Ramjee is perfectly right in saying, whether the rate of interest is low or high, the provisions of such a cumbrous character involve such obnoxious conditions that it is hardly possible that people would be induced to come forward to avail themselves of the loan, one among other reasons being that they can obtain loan themselves for building at a much cheaper rate than what this Bill offers them. Therefore, Your Excellency, I maintain what I have stated in my minute of dissent that though these provisions look well on paper, they are of a character which in practice will utterly break down.

Then I come to the next important question to which reference has been made by the Honourable Member in charge of the Bill. That is the "Deferred Street Schemes." Now, I venture to say with all deference that these proposals are misconceived and I still maintain that they are. Under the Municipal Act the Commissioner has the power of taking set-backs that come within the lines fixed by the Corporation and the Commissioner whenever a house is to be built on vacant land or is reconstructed in a certain way. These lines are laid down with due regard to the practical requirements of the people inhabiting the locality concerned and when the time comes for the owner to build his house or repair it in such a manner as would involve reconstruction of a large portion of it, a set-back is required when he sends in plans for that purpose. Now, what would the Deferred Street Scheme be? Is it to be of the same character as a set-back or is it to be a larger set-back than was required under the Municipal Act? I am told it is intended that this provision should not be applied to existing crowded parts of the City. I think it was Mr. Orr who pointed out that it was intended to use it for acquiring open land in such parts of the town as Parel where land is at present being built upon. Now, as is the fault of all large legislations—I was going to use the word official legislation —for the purpose of meeting one specific case—one ex ome case—a provision is so framed as to include a large number of inapplicable cases. If it is meant to include only particular localities under particular conditions, that is on vacant pieces of land, it is not difficult to frame legislation for that purpose. But you are drafting in the Bill provisions which include crowded parts of the City. Now, I ask if you attempt to include those parts of the City what would be the result? The power is

given to the owner to give 6 months' notice in which the Board must acquire the land. Now, conceive a street in which lines are drawn involving the taking up of a number of houses and the Board intend to take them at a very much later date. But under the power given to the owner by the legislature he makes a representation and applies to the Trust to take his house within 6 months. So when the owner calls upon the Trust to take it, and the Board takes it up as it is bound to do what is to be done with the intervening buildings? There would be gaps here and gaps there on both sides of the road. Any one acquainted with the rules and conditions under which set-backs are carried out in the City, knows that the great difficulty that the Corporation has found in this respect is that it is sometimes obliged to take up buildings within the required line of the street, with the result that gaps are created which give rise to insanitation and become a source of nuisance to the neighbouring houses. Again, if house-owners leaving in a street in which a deferred street scheme is to be put into operation can under this clause combine and force the hands of the Trust and oblige it to take up more houses than it ever intends to do how is this difficulty to be met with? I have never heard anything about that.

Your Excellency will pardon me for saying that I should have liked to have had an opportunity of discussing these matters in the Select Committee. I do not wish to speak of the circumstances under which I was prevented from taking part in the full deliberations of the Select Committee. They are before every member of this Council, and I do not want to go into any details or express my views about the treatment which I received. But I cannot help being grieved that I was precluded from laying my views before the Select Committee. If I had had an opportunity of putting forward my ideas, particularly in regard to this part of the deferred street schemes, I would have succeeded in showing the difficulty that lies in the way in which it is intended to work these provisions. I cannot help thinking that in actual working they will be found practically impracticable if they are to be introduced in those parts of the City which are of the sort as described by Mr. Orr, namely, large pieces of vacant land in Parel. But I, from my long experience, say that though the Legislature puts a provision in the Act which deals with such portions only, it is so worded that it becomes very comprehensive and a time would come when it would be alleged that as the Legislature has given such powers, they should be exercised according to the views of the people who dealt with it at that time in the matter.

Your Excellency, I do not propose to deal with some of the minor points in the Bill. For example, I do not mean to say very much about the provision suggested by my honourable friend Sir Ibrahim with regard to remuneration of the Chairman of the Improvement Trust. I think the suggestion which he has made is one which might very well have been accepted by the Select Committee. I think, following the precedent of the Municipal Act, the Trust should be put on the same footing in respect of payment of salary to its Chairman as the Municipal Corporation is in regard to the salary of the Municipal Commissioner, that is to say, a maximum and minimum salary should be provided, at the same time leaving a large margin of discretion to Government in fixing the amount.

There is only one other point to which I wish to refer and that is with regard to the Tribunal of Appeal. My honourable friend has said that the same circumstances under which this Act was enacted still exist. I venture to say that it is not so. Since the Act has come into operation, a large number of cases has been decided; certain principles have been laid down; and people have become acquainted with the way in which compensation can be recovered. It seems to me the fair and reasonable course now is to leave them to the regular operations of the Land Acquisition Act which would have been the course adopted but for the special provision in the Improvement Trust Act. To my mind the High Court would be able to deal as expeditiously with the cases which might be taken up by them as the Tribunal of Appeal and I think that in a short time the procedure of the High Court would be more expeditious than now. As soon as the first few cases were decided the principles would be established and every person will know what would be the principles by which his case will be governed. Your Excellency will permit me to point out that the dissatisfaction that already exists with regard to the awards of the Tribunal of Appeal will cease to exist if the High Court is appointed to be the Tribunal to hear these cases. Its decisions will commend more respect from the people than those of the Tribunal of Appeal. I have to make another suggestion with regard to the way of settling compensation. If this Council thinks that if the Select Committee thought that the Tribunal of Appeal should not be done away with, I certainly think that what is now a matter of discretion of the Judge should be a matter of right to the person who is aggrieved. I think also when the amount involved is Rs. 5,000 or upward he should not be left to the mercy of the Tribunal of Appeal, but should have a right of appeal to the High Court. At present that is not so and I venture to suggest that both justice and fair play require that the party aggrieved should have a right of appeal to the High Court. However, I have not, as Your Excellency will observe, put forward any amendments on this occasion. I am so obfuscated by the arguments that have been put forward against my amendment that such a thing would delay matters and would have to be placed before Government of India, that I do not know what proposal I should bring forward. It seems to me to be a hopeless task under those circumstances where we have to be entirely bound down without the interested parties being heard until it is further referred back to the chief authorities. It is a waste of time of the Council to place amendments before it which are sure to be voted down. My experience is that we unfortunate people—the elected representatives in this Council—have never been able to carry any proposition unless it is accepted by Government. The opinion of Government on these various points have been so distinctly made and emphatically pronounced that I have considered it useless to put forward amendments, which, I think, would have scarcely a chance—I might say—would have no chance of success. It is for these reasons that I have felt so hampered at what has happened that it is not possible with any amount of self-satisfaction to bring forward proposals of an amending character. I confess, Your Excellency, that I am so deeply discouraged by the treatment which my amendment received on

the first occasion that I have not the heart to put forward any further amendment which may or may not meet the same fate. I will not take up the time of the Council by offering remarks on minor points. But in concluding I will only say that my consolation is that there are some amendments in the Bill which will have very little practical operation. I am very doubtful whether the deferred street schemes or the proposals for the housing of the poorer classes will have an extended working and therefore although they exist in the legislature, I will hope that the City would not have to incur any serious burden in respect of them.

The second reading of the Bill was agreed to.

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SALARY OF THE CHAIRMAN OF THE IMPROVEMENT TRUST.

At the Meeting of the Council on 27th September 1912, the Hon. Sir Ibrahim Rahimtoola moved the following amendments :—

(*1*) *To substitute for clause 3 the following clause, namely :—*

"*3. For section 16 of the said Act, the following section shall be substituted, namely :—*

'*16. (1) The Chairman shall receive such monthly salary as Government shall from time to time determine, provided that such salary shall not exceed Rs. 3,000 and shall not be less than Rs. 2,000. He shall, except within the period aforesaid, hold no other salaried office and, save in so far as he may be otherwise permitted by Government, shall devote his whole time and attention to his duties under the Act.*

(*2*) *For the purpose of this section and of section 22 'salary' shall be deemed to be inclusive of any allowance to which the officer appointed may be entitled or any contribution which he may be liable to pay.*

(*3*) *The provisions of sub-section (2) of this section shall not apply to Mr. J. P. Orr, C.S.I., I.C.S., during the term of his office as Chairman of the Board.*'"

(*2*) *To substitute for clause 4 the following clause, namely :—*

"*4. For sub-section (2) of section 22 of the said Act the following sub-section shall be substituted, namely :—*

'*(2) The allowance (if any) to be paid to the Chairman shall be for such period of leave as he may have earned in the service of the Board and shall be of such amount not exceeding the amount of the salary of the Chairman as shall be fixed by Government provided that if the Chairman is a Government officer, the amount of the allowance shall be such as he may be entitled to under the Civil Service Regulations*'".

On these amendments the Hon. Sir Pherozeshah spoke as follows.

Your Excellency,—I beg to support very cordially the first amendment of which the Hon. Sir Ibrahim has given notice, which goes to provide that the maximum and minimum salary of the Chairman of the Improvement Trust shall be fixed under the Act. I do not know whether the facts will be appreciated in this case and my endeavours will be more successful on the present occasion. I think the time has come when the same rule which has been adopted in the case of the Municipal Commissioner should be followed in the case of the Chairman of the Improvement Trust. The officer who has to carry out the executive functions should be paid in the simple way by fixing the maximum and minimum salary of the post, so that the body which has to pay the salary may exactly know what it has got to pay for its Chairman. Sir Ibrahim has stated all the arguments and I shall only content myself by saying that we take analogy of the Municipal Commissioner and Corporation with that of the Chairman of the Improvement Trust. The case for the Trust is a very strong one and I think that the precedent of the Municipal Corporation in regard to the salary of the Commissioner should be applied in the case of the Trust. My honourable friend has recalled the debate which took place at the time of the launching of the present Act: it was I who had then ventured to point out for the purpose of supporting the view of Government in that respect that the Board of the Improvement Trust may be taken as a special committee of the Municipal Corporation, on which the Government and the Corporation were represented. That view was quoted with approval by Sir Steyning Edgerley when he took charge of the Bill of 1907. If there is this analogy between the two bodies, the principle which is thought good enough for the Municipal Commissioner of Bombay should be applied to the Chairman of the Improvement Trust. I venture to think that the work and responsibility of the Municipal Commissioner were far more onerous and complicated and varied than the heavy and responsible work of the Chairman of the Trust. In its variety and complexity the executive work of the Municipal Commissioner of Bombay was not to be compared with the much simpler work of the Chairman of the Trust. It is only those who have followed the subject that can recognise the immense strain and the immense pressure which has been put upon that officer in the performance and the discharge of his duties which rest upon him under the Municipal Act. If this is the correct view to take of the responsible duties of the Municipal Commissioner and the Chairman of the Improvement Trust, I venture to ask why the same system which has worked so well in regard to the Municipal Commissioner should not be applied in regard to the Chairman of the Trust. It is a very simple system and will be satisfactory both to the Trust and the Government, and I do not see why Government should not accept it. I, therefore, support the first amendment which has been moved by my honourable friend Sir Ibrahim.

The amendments were put and declared l

BOMBAY LEGISLATIVE COUNCIL.

GOVERNMENT ARTS COLLEGE AT DHARWAR.

At the Meeting of the Bombay Legislative Council held at Poona on 28th September 1912, the Hon. Mr. D. V. Belvi moved the following Resolution :—"That this Council respectfully recommends the establishment of a model Government Arts College at Dharwar at an early date." The Hon. Mr. S. K. Rodda also moved a Resolution which to all intents and purposes was the same as that which stood in the name of the Hon. Mr. Belvi. The Hon. Sir Pherozeshah Mehta supported the above Resolutions in the following speech.

Your Excellency,—I am very glad to be able to say that I cordially approve of the proposal which has been brought forward by my honourable friends Mr. Belvi and Mr. Rodda. I think Your Excellency remembers that in this Council we the non-official members urged upon Government the necessity of transforming the Gujarat College—an Institution owing its existence to private enterprise—to a Government College so that it might form as a model College for the Province of Gujarat. Immediately after the formation of the first reformed Council under the Act of 1892 we brought this subject year after year to the notice of Government and urged that each Division of the Bombay Presidency should have one model Government College for the purpose of supplying the needs of higher education in each of the Divisions. Unfortunately at that time the policy of the Government with regard to their relation with higher education in this Presidency was of an entirely different character from that which fortunately now prevails. For a long time it was maintained by Government that they ought not to have the remotest connection with Institutions for higher education in this Presidency, and acting on that policy this Council had to observe that as proposal after proposal was brought before it by the Revenue Member to reduce the small grant of Rs. 15,000, which we used to make to the University of Bombay, to Rs. 10,000, we strongly protested against the action of Government, and in so doing, our reward was that it was reduced to Rs. 5,000 and when we made a further protest against that, we were told that even the grant of Rs. 5,000 would be done away with. That was the policy of Government in regard to higher education in the early nineties. It was a matter of profound regret to us that Government should commit such a serious blunder in the attitude which they had taken up in this respect. We then pointed out that it was not only an educational blunder, but a political error for the State to take up an attitude of that sort with regard to the momentous question of higher education in this Presidency. It is and must be a source of great gratification to the people of this Presidency that the whole policy of Government has now been reversed in this matter; that they should have the closest relation with the progress of higher education in the Presidency; and that they should recognise that they have a high responsibility in the matter. I maintain that it is a matter of public policy that

Government's connection with higher education should be of the closest and most responsible character. Therefore it is, that we now urge that the policy of Government to provide a model college for each of the Divisions of the Presidency should take this last and final step. In 1893 when I was pleading the cause of the Gujarat College and was asking that it should be transformed from a private institution into a Government model college, I urged at the same time that Sind which was in the same position should also have the advantage of a Government model college. But the necessity in the case of Sind was not so great as in the case of Gujarat. The Province of Kathiawar has liberal-minded and enlightened Princes who have supplied that need so far as that Province is concerned. There they have a College at Bhavnagar and another at Junagadh, due to the munificence of their enlightened rulers. Bombay has a Government Model College and two aided Colleges. Poona has the Deccan College largely provided for by the Government and owes its establishment to the Peshwa's fund *; the other College there, I mean the Fergusson College, was brought into existence by the liberality of private individuals. With regard to the Fergusson College, when the policy of Government was so different from what it is now in regard to higher education, even this College was deprived of the small grant which at one time it received from Government. But, I must confess that our appeal to Lord Harris to restore the grant was met with a ready and cheerful response and after receiving a grant of Rs. 3,000 in the earlier years, it now enjoys the fullest grant which Government can give to any private institution for imparting higher education.

The Bombay Carnatic still remains without one College and when Your Excellency and Your Excellency's Government have so much at heart the cause of the progress and development of higher education throughout this Presidency, I do not think that it can be disputed for a single moment that Carnatic has a right to have a model college for itself in the midst of its teeming population. I will not go into the local circumstances which, as so ably pointed out by my honourable friend Mr. Belvi, who was eloquently supported by the Hon. Mr. Rodda, make it imperative that if the cause of higher education is to prevail in Carnatic, it is the duty of Government to supply it with a model Government college, irrespective of the financial assistance which they may or may not receive from its population. The Hon. Mr. Belvi has explained the character of that population. They are mostly agriculturists and very few of them are well-to-do zemindars. It is a class of population from which it is not possible to get large sums of money and which therefore requires specially nd peculiarly the aid of Government to meet its educational needs. I therefore hope that Your Excellency will give a most sympathetic consideration to the points placed by the Hon. Mr. Belvi and the Hon. Mr. Rodda in this Council.

*The College buildings were erected by Government with the munificent aid of a lac of rupees from Sir Jamsetjee Jejeebhoy, 2nd Bart

Your Excellency, there is only one thing more which I would like to add and it is in regard to something that has fallen from my honourable friend Mr. Belvi. He spoke of the hints and suggestions with regard to turning the Gujarat and the Poona Colleges into teaching Universities. I hope, Your Excellency, the day will be far distant when such a catastrophe will be allowed to overtake this Presidency. I do not for a moment desire to say that teaching Universities are not useful in their own proper place. We know that in England single college universities have sprung up and done valuable work in the development of higher education in the country. But those single college universities have never been allowed to meddle with the fuctions and jurisdiction of great Universities of Oxford and Cambridge to which England owes so much for her liberal-minded culture. I have no objection to single college universities in India or in our Presidency, but I hope that nothing in the nature of single college universities will be allowed to meddle with the jurisdiction of the great University of Bombay, even supposing that they impart the same culture or rather a culture of similar character in these provinces, though not to the same extent as the old Universities of Oxford and Cambridge do. In this connection it is well to remember that the jurisdiction of Oxford and Cambridge Universities have remained the same, though there have come into existence universities like those of Birmingham, Leeds, Manchester, etc., which have done very useful work in their own way. I hope that the hints that have been thrown out do not mean that the Bombay University is to lose its jurisdiction upon the colleges of this Presidency, for the usefulness of a University like that of Bombay lies in maintaining a uniform standard of education imparted by the different single colleges.

The Hon. Mr. C. H. A. Hill :—Your Excellency, I beg to rise to a point of order. I do not think the honourable member is speaking to the Resolution.

H. E. the President :—I am afraid what the honourable member is introducing is quite irrelevant.

The Hon. Sir Pherozeshah :—If Your Excellency thinks that I have gone too far into the subject—being carried away by my feelings—I ask Your Excellency's pardon and at once curtail my remarks. I will only say that I cordially support the proposals which my honourable friends Mr. Belvi and Mr. Rodda have brought forward for the creation of a model Government College for the Division of Bombay Carnatic.

The Hon. Mr. Hill on behalf of Government suggested that if the honourable mover modified his Resolution so as to read—"That the Governor-in-Council will be pleased to consider the establishment of an Arts College at Dharwar," Government would be very pleased to accept that Resolution and to act upon it.

The Hon. Mr. Belvi having consented, the Resolution as amended was carried.

[This College, called the Carnatic College, which came into existence five years later was formally opened by H. E. Lord Willingdon at Dharwar where it commenced work from 21st June 1917.]

BOMBAY LEGISLATIVE COUNCIL.

CONGRATULATIONS TO LORD SYDENHAM.

At the Meeting of the Bombay Legislative Council held at Bombay on 6th January 1913, the Hon. Sir Pherozeshah spoke as follows.

Your Excellency,—I trust I may be permitted on behalf of each and every member of this Council—I may be permitted as perhaps a member who has served longer on the Legislative Council than any other member—to carry out the unanimous wish that has been expressed that I should tender on behalf of the Council its warm and cordial congratulations to Your Lordship on the high honour which has been bestowed on you by His Most Gracious Majesty the King-Emperor in elevating you to the peerage. ("Hear, hear.") My Lord, in the vast business of administration of a great Province—a Presidency like that of Bombay—there may be differences of opinion as Your Lordship has just now said; but I think I express the universal opinion not only of this Council but of every one connected with the Bombay Presidency when I say that—difference or no difference—we have always cordially appreciated and admired the great talents, the extraordinary ability, the high moral purpose, and not the least of all, the untiring and conscientious application and devotion to duty, which have characterised Your Excellency's work as the head of one of the most important administrations in this country. I may be permitted to add only one word to what I have said to give expression to the earnest prayer of each and every member of this Council that Your Lordship and—in this connection I may add—Lady Sydenham will live long to enjoy in all happiness and prosperity the great honour which His Majesty has been pleased to bestow upon you. In saying these few words I say them as I have reason to believe on behalf of the whole Council and each and every member of it. (Applause).

H. E. the President in reply said :—Honourable Members of the Council,—I warmly thank the Hon. Sir Pherozeshah Mehta, who occupies the high position of being the Father of this Council, for the most kind words in which he has expressed the views of members of this Council in regard to the great honour which has fallen to my lot..... But what pleased me most, perhaps, in those kind words of the Hon. Sir Pherozeshah Mehta was to know from him that while there have been differences of opinion, as there always must be differences of opinion, as regards that which I have said and done, you all feel that I came to India solely to do my best for the people of India and that now that more than five years of my life have been passed in India, you all realise that this has been my one and only object. . . .

The Council then adjourned.

BOMBAY LEGISLATIVE COUNCIL.

Bill No. XIV of 1912.—A Bill to amend the Bombay Land-Revenue Code. 1879, the Khoti Settlement Act, 1880, and the Gujarat Talukdars Act, 1888, and to repeal the Bombay Land Record-of-Rights Act, 1903.

At the Meeting of the Bombay Legislative Council held at Bombay on 6th January 1913, the Hon. Sir Richard Lamb introduced the above mentioned Bill and moved for the

first reading of it. The Hon. Mr. D. V. Belvi said :—"It is very surprising to me that an amending Bill of this portentous length should be hurried in this manner, for when considering a measure of this kind, we have to see at the first reading whether it would not be more advisable to introduce a Bill re-casting the whole law regulating the collection of revenue from landed property in this Presidency. On these grounds I move under Rule 7 that the further consideration of this Bill do stand over till the next session of the Council."

The Hon. Sir Pherozeshah thus supported the Hon. Mr. Belvi's motion :—

Your Excellency,—I think every member of this Council will join with me in congratulating the honourable member in charge of the Bill for the lucid way in which he has explained the principal clauses and the amendments that have been proposed. There can be no doubt that he has put very clearly before the Council the divergence between the registered occupants and the beneficiary owner and has certainly made out a case for some legislation on the subject. But the question goes further. How is this divergence to be remedied? The honourable member in charge of the Bill has pointed out the way in which the remedy has already been put in practice. I quite understand the attitude of my honourable friend Mr. Barrow and of the Hon. Mr. Curtis who now poses in the character of a reformed person for he is no longer the revenue-officer who will never learn and never forget, but is one who has learnt to reform and learnt to progress. But I am not surprised to find that the Hon. Mr. Barrow and the Hon. Mr. Curtis are quite satisfied with the amendments that are proposed for they have seen them worked in actual practice, and I have no doubt that the opinions they have formed have been formed after a careful study of the amendments and after a personal experience of their actual working. But the law requires that there must be further guarantees for legislation besides the opinions and the experience of the Members who have put the measure in practice. Of course, if they are satisfied that their opinions are sound and correct, they would in all probability turn out very good when put to further tests. But that does not do away with the absolute necessity of proceeding with the new measure in the manner required by law and of seeing that all the guarantees for a proper investigation have been complied with. What are the facts brought out by the Hon. Mr. Belvi? He says that the Bill has not even been translated in the vernacular. I confess I am surprised to learn that that has not been done. My Lord, I do maintain that this is one of the provisions which should be scrupulously carried out in regard to all the measures of an important character. The amendment of the Land Revenue Code is certainly not a matter of slight importance. Both the codes of 1865 and 1869 were passed after a careful and lengthy discussion of the various principles which they involved and I am perfectly certain that my honourable friend Sir Richard Lamb will admit that no modification or amendment of the Code should be put on the Statute Book until every opportunity is given to all the parties concerned for careful criticism, investigation and representation. I beg to submit that these guarantees have not been fulfilled in regard to this measure. My honourable

friend Mr. Barrow may say that the people are satisfied with the way in which the Executive have tried to meet divergence between the registered occupant and the beneficiary holder. But we want something more in the Council than the opinions of the officials. They may be satisfied, but it is absolutely necessary that people—the *rayats*—who are most interested in the matter should have an opportunity, in the first place, of understanding what is proposed to be done and in the second place, of submitting their criticism after a careful examination of the various provisions of the Bill. Those guarantees have not been carried out and I put it to the Council whether it is right to hurry through a Bill of this character merely on the sentimental grounds which have been put forward by the Hon. Mr. Curtis. Now, what will take place if you pass the first reading of the Bill now? A select committee will immediately be appointed which will proceed to consider the Bill in February and upon the receipt of their report the matter will be brought forward in the Council in March. That, I do submit, gives no opportunity to the parties concerned, as I have already stated, in the first place, to understand what are the provisions of the Bill and whether the remedies that are proposed are right remedies for the evils which exist, and, in second place, to submit their representations. There are two courses open to Your Excellency. The first is that which my honourable friend Mr. Belvi has proposed *viz.*, to adjourn the consideration of the first reading till the next sessions of the Council. There is another way which might be applied to nearly all legislative measures of importance. In the Imperial Legislative Council I know the practice always was to introduce a measure of an important character for the first reading in the Council, and then not to proceed to appoint a select committee but to adjourn the further consideration in order to let the public consider it and send in representations containing their criticisms on it, till the next Sessions of the Council. Then it was that the Council proceeded to appoint a select committee which at that time was in possession of all the views available to carry on its work with expedition. I submit, Your Excellency, if Your Excellency's Government is desirous of proceeding with the first reading of the Bill to-day, then no select committee may be appointed till the next Sessions of the Council, which would be held at Poona in the rains. That will give time to the people to study the Bill, to consider what the various amendments are and to send in their representations in time to be placed before the select committee that will be ultimately appointed. I venture to say that you must not expect ordinary common people to try and understand measures of this character with the same rapidity and with the same grasp as the trained Revenue Officers can easily command. I can easily understand that the Hon. Mr. Barrow or the Hon. Mr. Curtis can rapidly go through the provisions of this Bill and say whether they are good or not. But that is not so in the case of common people who take slightly to this thing and require time for the proper understanding of a measure like this. I appeal to Your Excellency to take one of these two courses, either to allow the first reading of the Bill to be adjourned—though perhaps it may be objected to as it has already been brought forward—or the Council may accept the first reading but Your Excellency may not put forward the proposition for the

appointment of select committee till after a certain interval of time which would really be the next Sessions of the Council at Poona. I venture to submit that either course will meet the exigencies of the situation. I again appeal to Your Excellency's Government not to hurry through this important legislation merely on the strength of official opinions because I think these opinions require to be supplemented by the opinions of other people who are vitally interested in the amendment of the Code and who are entitled to form opinions on it. I do not deny that it is very probable that ultimately the Council may take the view that the measures that are proposed are of a beneficial and acceptable character, but it is absolutely necessary that all guarantees provided for a full investigation of the measure by the people vitally interested in it should be strictly carried out, for though that might involve some delay, such an investigation would enable the Council to consider fully the representations made by the people.

The Motion for adjournment was lost and the Motion for the first reading of the Bill was proceeded with. The Hon. Sir Pherozeshah said :—

Your Excellency,—I should like to offer one observation with regard to the remarks which fell from my honourable friend Mr. Barrow. I think he missed the point in what he said in regard to the argument whether it was urgently necessary to pass the first reading of the Bill at this stage. We quite admit—or at least I for one quite admit—that probably the opinions that have been passed by the revenue-officer have been correct ones with regard to the people whom the Bill will mainly affect. But the argument that I wish to make and which my honourable friend Mr. Barrow missed was "Let the people speak for themselves; you don't speak for them." My honourable friend Sir Richard Lamb said that he was convinced that the amendments in the Bill were accepted by a large majority of the people whom it will affect. The argument I put forward was that the legislature requires that those who are interested in it must be allowed to speak for themselves. Now, in regard to the working of the present system the Hon. Sir Richard Lamb spoke of the inconvenience and delay which occurred in collecting Government Revenue on account of the divergence between the registered occupants and the actual holders of land. This struck me as rather strange, for we read in the Administration Reports year after year that the major portion of the land revenue is collected without any difficulty whatever. The question then is, how is it that the revenue has been collected so easily? The answer would be that we are proceeding upon the Record of Rights. If that is so we have already before us a system which could be worked without the existing legislation depending upon the Land Revenue Code in the first place and on the Record of Rights in the second. I quite admit that it is desirable—it is almost necessary as the Hon. Mr. Parekh very briefly pointed out—that the Code should be amended in the direction in which it is proposed to bring together the real occupants of the land within the purview of the law. I quite admit that there is necessity for legislation, but the question is whether the measures that have been proposed by the executive for the purpose of remedying the

evil are thoroughly well devised for the purpose for which they are meant and whether they would not create difficulties that are not foreseen. It is all very well for my honourable friend Mr. Khandalawalla to say that the Bill only involves a few questions of definition. But I submit that these questions of definition of occupants, superior holders, inferior holders, tenants, etc., are bristling with all sorts of difficulties, and it is a question whether new definitions would not lend us in difficulties which are not seen now. These definitions are of such a character that unless they are based upon far-sighted observation they are bound to burst out in other directions creating new difficulties and raising new objections. It seems to me that in the absence of further representations the Select Committee will find considerable difficulty in the way of settling these definitions in the various directions with regard to the people who have real interest in the occupation of land. Barring that I think it is not only a desirable but a necessary piece of Legislation to meet the divergence between the real occupant and the nominal occupant.

The Motion for the first reading of the Bill was carried and the latter was referred to a Select Committee.

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At the Meeting of the Council on 13th March 1913, the Hon. Sir Richard Lamb moved the second reading of this Bill and the Hon. Mr. S. B. Upasani moved for an adjournment of same. The latter's motion was supported by the Hon. Mr. G. K. Parekh and was opposed by the Hon. Mr. G. S. Curtis. The Hon. Sir Pherozeshah then said :—

Your Excellency,—I cannot help prefacing what I have to say with the remark that I entirely disagree with the honourable member who just sat down when he said that the mover of the proposal for amendment is only making an unnecessary fuss. Well, that is very idiomatic English, and so far as it is idiomatic, we can endorse it, but so far as sentiment is concerned, I venture to say that there was not a grosser misdescription of the action of the honourable mover of the amendment than that given by the Hon. Mr. Curtis. On the contrary, when you examine the question properly, you will see that the Hon. Mr. Upasani has been far from making any unnecessary fuss about a measure of this character. The Hon. Mr. Curtis thinks it is a measure of very little importance and that if you bear in mind one or two little principles, everything contained in the Bill is at once as plain as daylight. Your Excellency, I was glad to hear my honourable friend Mr. Curtis complimenting this Council on the development of increased intelligence which it is bringing to bear on the questions which come for discussion before the Council, though I cannot say that I can entirely go with him when he ran down the character of the discussion in the older Councils. But, Your Excellency, it seems to me that the point of the Hon. Mr. Curtis' remark really comes to this; that revenue officers who have devoted a large portion of their time and whose duty it is very largely to deal with these matters have considered and taken all the time they required for the purpose of considering bills of that character, and that the Council would do well to allow those revenue members to do their thinking for them. This is a proposition, Your Excellency, to which it is impossible for any member of this Council to

give his acquiescence. However competent revenue officers may consider themselves to be in regard to matters of this character, the business of the members of this Council,--the duty which is imposed upon them,--is by all means to give due weight to the representations made by revenue members, revenue officers, but to come to a final judgment upon their individual examination and consideration of the questions involved in any measure that may be brought before them. Now, Sir, I venture to say that this Bill before the Council is a Bill of very great magnitude and of very great importance. The Hon. Mr. Curtis said "why, look at this phenomenon that the Hon. Mr. Parekh who has devoted a lifetime to the consideration of revenue questions has very little to say against it." I think my honourable friend Mr. Curtis will bear this in mind that Mr. Parekh himself has explained how it is that he has not been able to give the fullest consideration to the measure before us. He pointed out that it not seldom happens that measures and sections look innocuous at first sight and that they seem to have nothing serious in them, but it is only after very careful consideration and going into the different meanings of the amendments proposed that something is discovered which involves questions of very serious importance indeed and of very great magnitude. I venture to assert, Your Excellency, that this is a measure of that character. Not only members of this Council, but the general public interested in the agricultural condition of this country really have had no time to go through the perplexing amendments of a large number of sections which are included in this Bill. The result is, as the Hon. Mr. Curtis has pointed out, that it is perfectly true that we have not been able to put our fingers readily upon some of the most contentious issues which are involved in this Bill. Now take the first one to which the Hon. Mr. Parekh has alluded. The Hon. Mr. Curtis said that so far as sub-divisions were concerned the Revenue Departments have been helpless and that has been going on for a long series of years, and what they are going to do now is to accept the existing state of facts. But Your Excellency will see that it is really an admission on Mr. Curtis' part that it is a question of very serious importance—this question of the minute sub-division of survey numbers. He himself, if I have understood him rightly, is against minute sub-division. He has referred to the lecture recently delivered by Mr. Keatinge before the East India Association in London in which that gentleman deplores in the strongest terms the minute sub-divisions of the areas of land in this Presidency, thereby preventing really any method of agricultural improvement by the appliance of capital and various other measures which could be adopted if the measurements of land were much larger than they are now. The Hon. Mr. Curtis deplores this state of things and yet he at once proceeds to justify this Bill which I venture to say will facilitate still further the system of minute sub-divisions.

The Hon. Mr. Curtis :—How ?

The Hon. Sir Pherozeshah :—How, because under the section you will recognise and give legislative countenance to the sub-division of the area of a survey number. I say it is a most serious state of things, if this Act in the slightest

degree involved what is deplored as existing in this Presidency against all the interest of agricultural improvement. Well, if you do that, if you place facilities in the way of revenue officers to recognise every sub-division, well, Your Excellency, I venture to say that the agricultural condition of this Presidency will be worse than it has ever been before. That is one of the most serious questions which have to be considered in connection with this Bill. When you are in this amending Bill giving these facilities, it seems to me that surely it is time that the question should be considered in its fulness, and I venture to suggest we should devise means whereby this amending Bill instead of giving facilities should raise difficulties in the way of those minutest sub-divisions which have been going on, it is said, for the last 40 years. I say that the wiser and more economic policy to be adopted under the circumstances is not to give powers or further facilities for sub-divisions, but to devise ways and means, and I hope the ingenuity and the ability of the revenue officers is not unequal to the task to devise some measures for the purpose of preventing this sub-division which is likely to be most disastrous to the economic and agricultural interest of this Presidency. Surely, I ask the Hon. Mr. Curtis if this is not a question which requires the fullest and the most careful consideration before any step is taken, which, I say, will end in the disastrous result of the most uneconomic way of conducting agriculture. That is one question, I think, which may well require, not two years, as Mr. Curtis scornfully spoke about the debates of past years about revenue codes, surely it is one of those questions to which we should apply ourselves in all seriousness and consider whether we might not do something better than helplessly accept this Bill. I submit, Sir, this Bill really has not been given a sufficient time for consideration. It is very seldom that you see a Bill of this character involving questions affecting the whole agricultural condition of the Presidency put forward in the way in which this Bill has been done. I now regret more than ever the decision which the Council came to on the last occasion when it rejected the motion for the adjournment of this question. I now see even clearer than I did before that it was absolutely desirable and necessary that fuller time should be given both to the members of this Council and to the agricultural population to consider the various details which are involved and which are incorporated in such a way that it is very difficult to find out what it really all means. You will remember that when you mean to amend a Bill of the character of the Bombay Land Revenue Code you have in the first place to examine all the amendments of the old sections. Of course I can very well imagine that the revenue officers, whose duty it is every day of their lives to look into these matters, have all these things at their fingers' ends, but it is very difficult for members of this Council who, of course, by no means devote their entire time to all matters placed before them from time to time that they should have sufficient time to arrive at some judgment in regard to the proposed changes. But leaving the members of this Council alone, so far as the agricultural population is concerned, we know very well how difficult it is for small landholders immerged in their own business and in their own task of cultivating the lands to understand and see what it is that is being done in the Legislative

Council in regard to their condition. These things can only reach them very slowly. It is a long time before they can bring themselves to consider what are the changes which are going to be carried out and what might be the consequences after they are carried out. To them it is impossible to apply the test which Mr. Curtis applies to members of this Council. If he only marks one or two things—one or two principles—then he will understand the whole of the proposed amendments. I submit that it is only fair, it is only due to the large agricultural population who are by no means educated, ready to take up new ideas, that they should have ample time for the purpose first of making out what the proposed changes are, and what are likely to be the consequences of those changes. Now, it is impossible to say that ample time has been given to consider the Bill. Of course it has been published before, but it was brought to the newly-elected Council which sat in January, and here we have a Select Committee sitting upon it almost at once, a report made, and brought in in the middle of March. I submit, Your Excellency, that the time which is thus given for consideration to the public is extremely inadequate, and I think it is perfectly right that my honourable friend Mr. Upasani should bring forward a proposition for adjournment which should enable more time to be given to the consideration of the various questions involved in this Bill.

There is another point to which I should like to invite Mr. Curtis' attention and the attention of the members of this Council. There are clauses which point out that if there is any alteration in the use of the land, then a new assessment may be made even before the thirty years' period of the lease. Now what is meant by the change in the use of the land? I have seen some representations and some criticisms in the Press by those who want to know what is to be called the change in the use of the land. Is the employment of one sort of crop against another which may have existed at the time of the settlement to be considered a change in the use of the land? Supposing we have been sowing one sort of crop and now we take to another, is it to be considered a change in the use of the land or not, and if that is to be considered a change, are Government entitled, under those circumstances, to re-assess the land even within the period of thirty years?

It is an important question. Of course under the Land Revenue Code, we know perfectly well that if land employed for agricultural purposes is diverted to non-agricultural and other things, it is liable to a fine. Now this is a matter which requires to be explained. I am almost certain that very few *rayats* have really understood that there is such a change proposed to be brought about by the instrumentality of this Bill. Surely they ought to be allowed time in the first place, and then come to this Council to say whether they consider it desirable or undesirable. Therefore, when you consider all these points, it seems to me that this Bill is really of very great importance, which may almost bring about a revolution in the agricultural condition of this Presidency. And a Bill of this sort, it seems to me, is one which requires the most careful and sustained consideration which can possibly be given to it. As I have

said, the time allotted to this Bill is really much too limited for the purposes to which I have drawn attention, and I appeal to the Council to see that a Bill of this importance which indirectly but really affects the agricultural interests of this Presidency is not allowed to be hurried through without the fullest consideration, and I therefore strongly support the Motion which my friend Mr. Upasani has moved.

The Motion when put to the vote was declared to have been lost and the second reading of the Bill was proceeded with and carried and the Bill was then considered clause by clause. That being done, at the Meeting of the Council on 14th March 1913, H. E. the President put the Motion for the third reading of this Bill. The Hon. Sir Pherozeshah thereupon spoke as follows.

Your Excellency,—As I propose to vote against the third reading of the Bill, I should like to make a few observations on the Bill before it is put to the Council. My Lord, I still adhere to what I said yesterday that a Bill of this magnitude should not be pushed forward in the haste which I consider this Bill has been subjected to. I know that this criticism on my behalf and those who take the same view has been regarded with a great deal of impatience by Revenue Officers, and I also know that my honourable friend Mr. Curtis in phrases, which I am sure are as elegant as they are idiomatic and forcible, has told us that in criticising the Bill, as we have done, and in criticising the method by which it is pushed forward, we have been making unnecessary fuss. I was rather sorry to find that my honourable friend Sir Richard Lamb, who is always sober in his expressions, has accused me of having been guilty of perversion of terms. My Lord, so far as this assembly is concerned, we have been some times exposed to this sort of criticism, and we have learnt to take it with equanimity and even cheerfulness. I certainly have learnt to do so, and I hope the newer members of this Council will also come to harden themselves in this respect, as I have done. But, My Lord, I still maintain, in spite of the reiteration of my honourable friend Sir Richard Lamb that the Bill only affects the procedure of collecting the assessment, I still venture to submit that it does in an indirect way very largely affect the policy, which is only the sound policy for the progress and improvement of agriculture in this Presidency. I know both the Hon. Sir Richard Lamb and the Hon. Mr. Curtis insist upon this circumstance that the Bill only recognises existing facts. That may be so, but in recognising existing changes, you may also do this, that by giving legislative sanction to those existing facts you may give an impetus and you may accustom people to regard small divisions of land as something which has been sanctioned by law and approved by Government. I submit that such a tendency, if created, will be most unfortunate to the agricultural progress and improvement of this country. As I have pointed out yesterday, if any steps were to be taken, they should have been in the opposite direction. The old sections 98 and 116 of the old Code distinctly point to a policy of not recognising small sub-divisions of survey numbers, and it would authorise measures for the purpose of preventing the minutest sub-division. I submit, that those safeguards in the Act have really been weakened by the modifications which have been introduced

by the Bill before the Council, and so far, I consider that it is most unfortunate that the *rayats* of this Presidency should now labour under the impression that the Government themselves and the legislature also have joined in sanctioning the minutest sub-divisions of land. That is a point of view from which I consider that this Bill will have the most unfortunate result on the land policy of this Presidency, and therefore it is that I am unable to vote for the third reading.

Several honourable members having spoken H. E. the President Lord Sydenham said:—Before putting this Bill to the third reading I should like to make one or two general remarks. I can assure this Council that if I thought that there was anything in this Bill which would tend to stereotype that sub-division which is going on in India, or to increase it, then I should be as ready to oppose the third reading as my honourable friend Sir Pherozeshah . . . . But I am glad to know that my honourable friend Sir Pherozeshah, with his great influence, shows that he has been giving his attention to what may become a burning question before long. I think he told us that he made several speeches on the subject. I wish he gave me private references to those speeches. They would be of interest not only with regard to land in India but with regard to lands in other countries also. In any case we can all feel sure that when Government comes to deal with the question again, it will have the perfect support of the Hon. Sir Pherozeshah Mehta in ending or at all events always limiting the excessive sub-divisions which are now going on . . . . . .

The Motion for the third reading of the Bill was then put to the vote and carried.

ATTEMPT ON THE LIVES OF LORD AND LADY HARDINGE.

PUBLIC MEETING IN BOMBAY.

A Public Meeting of the citizens of Bombay was held on 7th January 1913 H. E. Lord Sydenham, the Governor, presiding, to express its abhorrence of the recent attempt on the lives of the Viceroy and Lady Hardinge on their State Entry into Delhi, the new Capital of India. His Highness the Aga Khan proposed—"That this Public Meeting of the representatives of the City and Presidency of Bombay expresses its deep abhorrence of the dastardly attempt on the lives of Their Excellencies the Viceroy and Lady Hardinge; its profound thankfulness for Lord Hardinge's preservation and Lady Hardinge's escape; its admiration for Lady Hardinge's serene courage and its sympathy in her painful anxiety; and its earnest prayer that H. E. the Viceroy may soon be fully restored to health and enabled to complete the work which has already won for him the regard and gratitude of the whole country." The Hon. Sir Pherozeshah seconded His Highness as follows.

Your Excellency, Ladies and Gentlemen,—I have been asked to second the Resolution which has been moved by His Highness the Aga Khan with that ability and that effectiveness which have marked all his wise and statesmanlike utterances on Indian affairs. It almost seems a work of superarrogation to be called

upon to second and support a Resolution such as that which His Highness has moved, for we can but only re-echo the deep sentiments which have been pronounced through the length and breadth of this land, from one end to the other, with the utmost abhorrence and detestation at the atrocious crime committed against our great Viceroy who is held in the highest esteem--I will not say by a majority but I will say--by the whole people of India. (Applause.)

Ladies and gentlemen, I think we may here sum up the outburst of sentiment which has been evoked on this occasion in a few words. In the first place, it evoked a cry of anguish and horror at the detestable crime which had been attempted. In the second place, there was a deep sob at the tragic pathos of the situation that arose. Then there was a sigh of relief and gratitude and thankfulness to the High Providence that Their Excellencies had been saved in a providential and miraculous manner. Lastly, I think, as His Excellency the Governor has put it, came the note of admiration for the patience and fortitude with which Their Excellencies have borne the heavy and severe trial through which they have passed. (Applause.) Many of you are perhaps aware of the old familiar lines of Goldsmith in his description of the English people--

> Pride in their port, defiance in their eye,
> I see the lords of human kind pass by.

Ladies and gentlemen, I have always maintained and I still maintain that the greatness of the English people does not lie so much in their physique, material strength and power as in the lofty conception of moral and political duty, which has characterised the lives of so many great and wise English men and English statesmen ; * and such a great and wise Englishman and statesman Lord Hardinge has proved himself at such a trying time. (Applause.) It was only the other day that in this very Hall when we held a Public Meeting for the purpose of expressing our profound gratitude at the Visit of Their Imperial Majesties the King-Emperor and the Queen-Empress, we recognised that Lord Hardinge was one of those statesmen of whom the Poet Laureate has sung :—

> And statesmen at her Council met
> Who knew the seasons when to take
> Occasion by the hand and make
> The bounds of freedom wider yet.

And under the benign leadership of our gracious Sovereign, Lord Hardinge has again proved himself such a statesman on this occasion. (Applause.)

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* In this connection it might be interesting to recall the words of Professor William Wordsworth who, in one of his masterly letters to the *Bombay Gazette* during the Ilbert Bill controversy, 1883, had expressed similar views. Said he:—I am not without a proper pride in my country, and the magnificent part which it has played in the drama of history, and I hope that it is no unpardonable eccentricity to think that her greatness may be more triumphantly exhibited by the moral ascendancy which springs from just administration and equal law, than by any other method.

Ladies and gentlemen, I will now take the liberty of saying one word and I hope, it will be received in the spirit in which I say it. It is in regard to an observation which has echoed from all parts of the country that this crime is a source of great shame and humiliation to the people of India. If I deprecate this sentiment I do it because I say that the miscreant who committed this atrocious crime or the miscreants who committed or joined in it, are no true Indians—are no real patriots. We abhor them and do not recognise the slightest trace of Indian blood in their veins. ("Hear, hear.") Those miscreants are traitors—mischievous traitors—traitors to their own people, traitors to their country, traitors to their Sovereign. ("Hear, hear.") They are mischievous and disloyal wretches, enemies to their country, her progress and her advancement. (Loud applause.)

Ladies and gentlemen, we have heard the wise and sober words in which His Excellency has placed the situation before the Meeting. I have no doubt that these words have created a deep impression upon your minds. But I would fain hope—I would still trust—that this detestable crime was the last gasp of desperation of the miscreants who, vexed at the smiling prosperity and contentment which His Majesty's Visit had spread in the land and vexed at their utter defeat in the condition that was thus brought about, had sought to surpass their wickedness and thus to hide their defeat and their shame. I trust that that might prove to be the true explanation of the dastardly and cruel attempt on the life of one who has been a true friend of India and a true benefactor of her people. (Applause.)

And now, ladies and gentlemen, we fervently and earnestly join in the prayer that Lord Hardinge may speedily recover from the injuries, none too slight, which he has received at the hands of some dastardly miscreant or miscreants, and in that prayer, I am perfectly certain, not only this Meeting, not only this City, but the whole Presidency, nay, the whole Country would join. (Loud applause.)

PUBLIC SERVICE COMMISSION, 1912-13.

SIR PHEROZESHAH'S EVIDENCE.

In July 1912, it was announced in the London Gazette that the King had been pleased to approve the appointment of a Royal Commission to examine and report upon the Public Services in India. The personnel of the Commission of which Lord Islington was the Chairman, consisted of the Earl of Ronaldshay, M.P., Sir Murray Hammick, K.C.S.I., I.C.S., Sir Theodore Morison, Sir Valentine Chirol, F. G. Sly, C.S.I., I.C.S., M. B. Chaubal, C.S.I. Gopal Krishna Gokhale, C.I.E., W. C. Madge, C.I.E., Justice Abdur Rahim, J. Ramsay Macdonald, M.P., and H. A. L. Fisher and the following Assistant Commissioners:—Justice J. J. Heaton, Rao Bahadur R. N. Joglekar and R. G. Bhadbhade.

The functions of the Commission were to examine and report upon the following matters in connection with the Indian Civil Service and other Civil Services, Imperial and Provincial:—

(1). *The methods of recruitment and the systems of training and probation;*

(2). *The conditions of service, salary, leave and pension;*

(3). Such limitations as still exist in the employment of non-Europeans and the working of the existing system of division of service into Imperial and Provincial;

And generally to consider the requirements of the Public Service, and to recommend such changes as may seem expedient.

The Commission during its visit to India in the cold weather of 1912-13, examined many witnesses including Government Officials and several Indian leaders of public opinion. Sir Pherozeshah presented a Memorandum on behalf of the Bombay Presidency Association and was examined by the Commissioners on 10th March 1913.

MEMORANDUM OF REPLIES TO THE QUESTIONS BY THE CHAIRMAN OF THE ROYAL COMMISSION ON THE PUBLIC SERVICES IN INDIA FROM THE BOMBAY PRESIDENCY ASSOCIATION.

The Bombay Presidency Association has, ever since its foundation in 1884, following in the footsteps of the Bombay Association and the Bombay Branch of the East India Association, consistently maintained that the holding of simultaneous examinations in India and England was the only practical and statesmanlike solution of the problem of carrying into effect the policy dictated by the highest political wisdom and demanded by the fullest requirements of efficiency in the administration of India. English statesmanship never showed its soundness, sobriety, and wisdom better than when by Section 17 of the Statutes 3 and 4 William N. C. 85 it emphatically declared that "No Native of the said territories nor any natural-born subject of His Majesty resident therein shall, by reason only of his religion, place of birth, descent, colour or any of them, be disallowed from holding any place, office or employment under the said Company." The Court of Directors, in forwarding a copy to the Government of India, said "that the meaning of the enactment we take to be that there shall be no governing caste in British India," which is, however, what is really aimed at in all the multiform contentions of Anglo-Indians when they oppose in a variety of ways and for a variety of reasons the equal admission of Indians to the Civil Service. In 1853 and 1858 (16 and 17 Vic. C. 105 and 21 and 22 Vic. C. 103) the system of nomination and patronage was abolished and the Indian Civil Service was thrown open to competition among all natural-born subjects of Her Majesty. Thus was the policy of the full and equal status of Indians for admission to the Civil Service of their country solemnly and deliberately declared by the People and Parliament of England. That policy was in a time of great stress and strain again solemnly proclaimed by the mouth of the Queen-Empress in 1858, and the pledges then given have been as solemnly confirmed by the mouths of His late Imperial Majesty Edward VII, and by his son our present illustrious Sovereign. This same policy is no less demanded by the requirements of real efficiency than it is by political wisdom. Good deal is being said, as it has been said before, that it is essential that Indian administration should be carried on what are denominated 'English lines,' but it is equally essential to realize that through efficiency can never be secured without a thorough and complete blending of Indian knowledge. Few Englishmen are capable of realizing how seriously and hopelessly English officials are, particularly in the

higher administrative posts, handicapped in the proper and efficient discharge and their work—revenue, judicial, legislative and executive—for want of that close and intimate, and personal knowledge of the people of the country, their ways, circumstances and habits of thought, which comes intuitively to a native. The immediate remedy for avoiding the evils of a one-sided administration by Englishmen alone is to associate in the Civil Service both Indians and Englishmen on a basis of absolute equality without any distinction or differentiation in the mode of recruitment which must carry with it a sense of inferiority.

With regard to the capacity of Indians, it is already acknowledged in fact that competition is open to them in the present examinations held in England. It may, however, be as well pointed out that the report of the Public Service Commission (1886-87) distinctly admits that " the evidence tendered before His Commission is to the effect that the Native gentlemen who have up to the present time succeeded in gaining appointments in the Indian Civil Service through the channel of English competition have performed their duties to the satisfaction of their superiors and have generally proved themselves to be efficient in the service of the State. From this view the Commission sees no reason to dissent and it further believes that the Native Covenanted Civilians appointed in England are as a class superior both in education and ability to those persons who have been selected in India under the provisions of the Statute of 1870." It should be noted that the former gained their appointments in open competition, while the latter were nominated by the different local Governments. The tables given by the Commission of Indian Civilians discloses such names as those of the late Romesh Chander Dutta, Satyandra Tagore, Sir K. G. Gupta and other distinguished Indians. It is often said by Anglo-Indian witnesses that Indians are not fit for admission to the higher Civil Service, because they are essentially inferior to Englishmen in character and moral equipment. But it is well to bear in mind that this is a picture drawn by Englishmen of themselves in vague words which admit of very little verification. Most of the great Englishmen who knew Indians closely and intimately have borne generous testimony to the moral qualifications of Indians. It must also be remembered that the contrary opinion cannot be considered as based upon fair experience in consequence of the practical exclusion of Indians from the higher administrative posts from 1833 downwards. The Association submits that there is really no reason to question the moral capacity of Indians for the highest and most responsible administrative work. It were well to remember that Mr. Robert Lowe (afterwards Lord Sherbrooke) said in the debates on the India Bill of 1853 on this very subject of competitive examinations that there was " a close connection between the moral and intellectual qualities of the human mind."

The Association further begs to point out that when it is said that Englishmen alone can maintain Indian administration on English lines, the fact is that Englishmen in India are generally strictly opposed to follow English lines in Indian administration. The Revenue administration is largely not based on English lines; the majority of English Civil Servants would like to remove the decision of most civil

questions from judicial tribunals to executive officers. They are always contending that Criminal Justice should be administered in a rough and ready way by executive officers without the safeguard of judicial procedure and rules of evidence. What such a man as Sir James Fitz-James Stephen said in the chapter on Legislation under Lord Mayo, in Meinter's life of that Viceroy, still holds good with regard to the average Anglo-Indian Civilian :—

"Many persons object not so much to any particular laws, as to the government of the country by law at all. They have an opinion, which I have in some instances heard very distinctly expressed by persons of high authority, that the state of things throughout India is such that law ought in all cases to be overridden by what is called equity, in the loose popular sense of the word. That the Courts of Justice ought to decide not merely whether a given contract has been made and broken, but whether it ought to have been made, and whether the breach was not morally justifiable. In short, that there ought to be no law at all in the country as far as natives are concerned, but that in every instance the District Officers ought to decide according to their own notions, subject only to correction by their superiors.

"In the second place, it is a favourite doctrine with persons who hold this opinion that the Government of India possesses the absolute power of the old native states subject only to such limitations as it has chosen to impose upon itself by express law. That every new law is thus a new limitation on the general powers of Government and tends to diminish them and that there ought to be as few laws as possible, in order that the vigour of the executive power may be maintained at a maximum.

"Nothing struck me more in my intercourse with Indian civilians than the manner in which the senior members of the service seemed to look instinctively upon lawyers of all kinds as their natural enemies, and upon law as a mysterious power, the special function of which was to prevent, or at all events to embarrass and retard anything like vigorous executive action. I was once discussing with a military officer of high rank, and in high civil employ, the provisions of a bill for putting certain criminal tribes in the North-West Provinces under police supervision. When I showed him the powers which it conferred upon executive officers, he said, 'It is quite a new idea to me that the law can be anything but a check to the executive power.'"

If, however, what is meant by administration on English lines is the application of principles deduced from the most advanced education and culture and the progressive experience derived from all ages and climes, then English education will qualify Indians to apply them to Indian administration under the guiding statesmanship of England as well as, perhaps better than, Englishmen hampered by the bias and prejudices engendered by belonging to the ruling race.

The Association therefore holds that political wisdom as well as administrative efficiency both require the equal association of Indians in the highest posts of the administration and that that association should be on the same basis of competition as at present in the case of examinations for recruitment to the Service held in England. For that purpose, there is no other course open but to hold a simultaneous competition, both in England and India, for there would be no equality unless the facilities and opportunities were equal in the case of Indians as that of Englishmen.

The principles and methods of nomination and selection in various ways and forms have been tried and found wanting. It was contended at the time of passing Section 6 of the Statute of 1870, that nomination and selection by Europeans of Natives could not lead to the evil of patronage and jobbery, as the relations between them were of a different character from those in which patronage and jobbery could flourish. The Duke of Argyle contended during the passage of the Bill in the House of Lords that there was no risk whatever of the Government of India being influenced by political jobbery or family nepotism. In a Paper read before a meeting of the Bombay Branch of the East India Association, by the President of this Association, this view was strongly controverted, and experience has proved that patronage and jobbery can insidiously penetrate even in the relations of Anglo-Indians and Natives in this country. At the time of the appointment of the last Public Service Commission, Dr. Wordsworth, then Principal of Elphinstone College, described the working of the Rules under the Statute of 1870 in a letter to the *Pall Mall Gazette* as follows:—"The people now selected are in reality representatives as little of the aristocracy as of the intelligence of the country. They are members of respectable families who happen to enjoy the favour of some educated official—a Secretary to Government, a Member of Council or a Police Commissioner. In this Presidency, a College education and an University degree appear to be regarded as positive disqualifications for selection. A young man of independent character and high talents cannot now hope to enter the Civil Service by competition and he has generally no wish to enter it by the back door of favour. Every one again who knows India, also knows how far the official world here appreciates the independence of educated Natives and what chances it is willing to give them. Differential ignorance, conciliatory manners, and a plentiful absence of originality and independence are now, and will always be, at a premium?" It is one of the most deplorable facts in the relations of Anglo-Indians and the natives of this country that even the best intentioned and least prejudiced among the former have a rooted dislike to the educated men among the latter, possibly because they press too closely on their heels. The discontented B.A. has been and still is the cherished *bête noire* of most Anglo-Indians. From this experience, the Association is strongly opposed to the revival in any shape or form of the methods of nomination and selection with all their plausible combination for the recruitment of the Indian Civil Service.

This Association desire to emphasize that questions of proportionate representation of classes and communities have no room in the problem of the fair and equal recruitments of the Civil Service of the best and most efficient members amongst Englishmen and Indians. The door of entrance can only be open to merit, from whatever quarter it can be supplied. It is open to all communities to advance in education and culture so as to hold their own in the general competition. This Association earnestly deprecates all endeavour to push sectional pretensions not based upon merit. They firmly believe that this is the view held by all the best and wisest men of all communities throughout the country.

The Association desire to add that they are firmly of opinion that successful Indian candidates in the simultaneous examination in India should be required to proceed to England for the probationary period of two years. It is most desirable that they should have an opportunity of having some personal acquaintance with the country and the people who shape the destiny of India. Opportunities for seeing and studying English life, in the best way, can be easily arranged.

The question regarding the recruitment of the Judicial Branch of the Service presents greater difficulties. This Association firmly believes that no person can make a really efficient judicial officer without combining a sound knowledge of the principles of law with the power of appreciating evidence which only comes from legal practice in legal tribunals. The most serious defect of the Anglo-Indian judiciary arises from the circumstance that their ignorance of Indian life is not corrected to any extent by the knowledge and experience of Native ways and thought which can, to some extent at least, be acquired by the close contact into which a practising lawyer is thrown with the people. It is worth while in this connection to note the views and opinions of an able Anglo-Indian official of past days, Sir Lepel Griffin. He was an avowed and uncompromising opponent of the Indian National Congress, the educated Indian and the Bengali Babu. In an article in the April number of the *Asiatic Quarterly Review* (1887), however, he says :- "I would only say that, in my opinion, almost the entire judicial service might be made over to Native judges, reserving criminal powers to the magistrate of the District, and a certain proportion of English judges being retained on the benches of the High Courts to preserve continuity in the treatment of cases, and a high standard of judicial work. * * * * * * * * *

"The gross and universal perjury of the Courts, the like of which is not to be found in Native States, where *primâ facie* the oppression of the ruler should have encouraged falsehood as the natural defence against tyranny, directly springs from the ignorance of British judges, who do not know whether a Native witness is telling the truth or a lie. The subtle and, to a Native judge, the unmistakable signs of truth or untruth in the demeanour and voice of the witness and in the manner and matter of his evidence, are unnoticed by the European, whose mastery of the vernacular is incomplete and who, in many cases, knows little or nothing of the social life and customs of the several Indian castes and tribes. This knowledge, which is worth far more than many of the subjects in the competitive examination, is becoming more rare every day. The further the suit is removed from the Native magistrate, the more complete is the fiasco." It cannot be denied that these observations of Sir Lepel Griffin have a great deal of truth in them. Considerations of efficiency thus affect the question of recruitment to the judicial service in a greater degree than even that to the executive portion. The Association confesses that it is not easy to suggest a system which could be theoretically free from all objections.

The Association beg to suggest the following scheme as one meeting the requirements of principle and efficiency with the least impairment. They think that the recruitment to the judicial posts of the Civil Service should be accomplished in three ways :—

(*a*) The present Subordinate Judiciary composed of Subordinate Judges of different grades should be enlarged and strengthened. It deals, at present, with Civil work only. To that should be added Criminal work, at present done by revenue officers: the Mamlatdar, the Deputy Collector, the Assistant Collector and the District Collector and Magistrate. This would have the additional advantage of solving the problem of the separation of judicial and executive functions, pronounced by Lord Dufferin to be "a counsel of perfection." It may be stated that when in famine time, Criminal work was assigned to Subordinate Judges, they acquitted themselves most satisfactorily. The cost would not be unduly heavy, as the burden on revenue officers being lightened, their number can be decreased, and the number of the Subordinate Judges correspondingly increased.

The recruitment to the Subordinate Judiciary thus constituted should be by a competitive examination to which all graduates of Universities holding the degree of Bachelor of Laws (which includes the degree of B.A.) and having been in practice for three years should be eligible. One-third of the higher judicial posts should be assigned to the members of the Subordinate Judiciary thus created, as they rise to the higher grades. They would then possess the qualifications of experience and practice, with a competent knowledge of Law.

(*b*) The Association are of opinion that one-third of the recruitment should take place from the body of legal practitioners—barristers and advocates, Indian and English, who have practised for not less than five years in the Indian Courts. The appointment should be made on the recommendation of the Judges of the different High Courts. Though this mode of recruitment does not altogether avoid the evil of favouritism, still it will be confined within a very narrow limit, in which a general average of merit and qualification will be ensured, as a call to the Bar guarantees legal attainments, while a practice of no less than five years will add experience to them.

(*c*) The remaining one-third should remain with the Civil Service as at present. It should be, however, provided that the probationary period of successful candidates in the competitive examination should be increased from two to three years, during a portion of which they should enter a Barrister's chambers approved by the Secretary of State and attend Courts with him. This training would be useful to all Civil Servants, executive and judicial, for it will, to some extent at least, tend to impart to them the power of appreciating evidence, which, according to a recent utterance of Lord Morley, is the great need of all men of education and culture.

It is scarcely needful to add that if the above proposals for the recruitment of the Indian Civil Service were adopted the Provincial Service should cease to exist and the listed posts should revert to the main stock. There was no keener disappointment in Native India than when the last Public Service Commission, which had raised high hopes, ended with recommending a Provincial Service, in its very nature stamped as inferior.

SIR PHEROZESHAH MEHTA, CALLED AND EXAMINED BY LORD ISLINGTON, THE CHAIRMAN.

Are you a member of the Legislative Council of Bombay?—Yes, I have been a member for twenty-five years.

Can you tell us what your connection is with the University?—I have been a Fellow of the University for the last 40 years. I am a Syndic in Law and Dean in Arts and Law. At present I am Dean in Law and Syndic in Law.

You have put in a Memorandum on behalf of the Bombay Presidency Association, and therefore we may take it, I suppose, that the views embodied in this Memorandum represent the views of the Association as well as your own?—Yes, they do, as well as my own.

When you say they represent the views of the Association, do you mean that they represent those views through the medium of a Committee or through the medium of assent by the whole body of members?—It is both. There is a governing body of the Association which is called the Council of the Association, and the Association has discussed this question for the last thirty years, taking into account its predecessors, the Bombay Association and the Bombay Branch of the East India Association, and they have had discussions in Council and in general meetings of the Association, and public meetings have been held by the Association, and on all those occasions they pronounced themselves in favour of the views which are now set forth.

Can you tell us what are the objects for which the Bombay Presidency Association has been formed?—It was formed for the purpose of advancing the political welfare of the people of this Presidency based upon unswerving loyalty to the British Crown, and to employ all constitutional methods for the purpose of advancing and promoting their welfare.

Can you tell me approximately what its numbers are?—About 300.

On the question of recruitment to the Indian Civil Service the Association is in favour of simultaneous examinations?—Yes, and has always been so.

With a two years' probationary course in England for all successful candidates?—Yes.

Are you in favour of the maintenance of a strong European element in the Administration?—Yes, but I would rather put it, on the full admixture of both the English and the Indian element. I should like the Civil Service to be composed of a strong admixture of both the English and the Indian element.

By the word 'admixture' do you suggest a preference in number for either?—No.

Can you say that, if simultaneous examinations were allowed no event could occur which would reduce the European admixture to a negligible quantity?—Not for many years to come.

That is your anticipation and prediction?—My strong anticipation and Prediction.

But it could only be a prediction?—Of course, a prediction which is arrived at from history and from the knowledge of existing circumstances and their tendency.

When you say arrived at from history and the knowledge of existing circumstances and their tendency, what do you exactly mean?—We must judge from the past and the present; we must take the trend of events as they have been in the immediate past and in the present and say what we think will be the continuation of that tendency in future.

You see nothing in those tendencies to suggest to you that under a system of open competition in the two countries the number of successful candidates in India would exceed to an appreciable extent the number of successful candidates in England?—For a very long series of years, no.

Can you tell us on what grounds you object to the alternative proposal which has been made to us of an examination in India with a limit in that examination to the number of posts to be granted to Indians?—That would be opposed to all the pledges and the policy which has been laid down in regard to British rule in India, and that I consider a very serious circumstance indeed.

You are assuming, perhaps, that by the introduction of an Indian examination the examination in England would be closed to Indians?—No, I am not.

Why do you say that to give an additional opportunity to the one already offered would be in contravention of former Proclamations and Statutes?—Because the opportunity given to enter for the examination in England is really not an equal opportunity.

Is not really an equal opportunity because of the disabilities and difficulties which an Indian experiences in going to England?—Yes.

It is on that account that you say that the existing system is in direct contravention?—Yes.

But would you say that to graft on to the existing system in India additional facilities for Indians would contravene the Proclamations and Statutes more than the existing system, according to your opinion, does?—Not, if the facilities are of the same character, that is by competitive examination. Otherwise, unless equal facilities are developed for Indians as for Englishmen both the letter and the spirit of the pledges would be contravened.

The letter and the spirit are contravened in the present case only by the fact that thousands of miles intervene between India and England?—Yes.

There is no other way in which the spirit is contravened?—But that is a very great difficulty indeed.

What I want to elicit from you is why you should say that the Proclamation would be further contravened, if further facilities were given for the admission of a limited number of Indians by means of an examination in India?—It at once brings out the difference in the treatment of Englishmen and Indians. Unless the limits are fixed in equal numbers the difference in the proportions at once marks a difference between Englishmen and Indians, and that I say is contrary to the letter and the spirit of the pledges that have been given.

Which would you sooner have, the principle as it stands now subject to its physical difficulties, or further facilities given in the direction of offering to a limited number of Indians an opportunity of entering the Civil Service through an examination in India?—I have the strongest objection to that latter alternative on the ground which I have stated.

Have you any views with regard to the age at which Civilians should pass the examination?—No, I have not dealt with the question of age; I thought that was somewhat of a minor point. But, I have very strong views, and the Association had very strong views about the limiting of age. They have always fought against the age being too low; they think that the age should be at least 22 to 24.

The present age?—Yes.

They would not desire to see that changed?—No; it may be profitably increased by a year or so, but they are opposed to any reduction of those limits.

If it were to be shown that a more efficient European staff could be produced by examination at an earlier age, would you be prepared to modify that view?—I have always held that there are not only objections with regard to the recruitment of efficient men, but with regard to young civilians coming out to exercise the powers they have to exercise at too early an age; that has been one of my strongest objections against a reduction, not simply the efficiency of recruitment, but the fact that nothing is harder, both for the people and the officers, than that they should be placed at too early an age in the responsible positions which they have to occupy and in the exercise of power which is vested in them at that age.

Do you regard 25 as too young?—I will not say too young, but just about the proper age to begin.

You do not agree with those who hold the view that 25 is already too old?—No.

That it is much better to get a young man in early when he is more flexible and can assimilate himself to the conditions of the people better?—Twenty-five is a flexible age as we know from our own experience of ourselves.

Some people of twenty-five think that they have their views already formed?—I quite accept that, that young people may think they are quite formed and perfect.

Have you any proposals to make other than those contained in your Memorandum as regards the curriculum for the two years' probationary course?—I have no very strong views on that subject.

You want an additional training in Law?—It is very necessary.

But you are not prepared to make any further statement on that point?—No.

Have you any views as regards the place where the probationers should go in England, to an approved University or anywhere else?—I think arrangements should be made for his profitably employing the time either by sending him for a greater portion of the time to a University or by some other arrangement. Those are matters of detail which must be worked out separately.

In the argument which you use in favour of simultaneous examination there are one or two remarks which I should like you to elaborate a little more, if you will.

In the third paragraph of the Memorandum it is said: "The Association further begs to point out that when it is said that Englishmen alone can maintain Indian administration on English lines, the fact is that Englishmen in India are generally strictly opposed to follow English lines in Indian administration. The Revenue administration is largely not based on English lines." What do you mean exactly by that?—I very emphatically say so. First of all, the whole Revenue administration—and I am speaking more of the Bombay Presidency than any other—is based on the agglomeration of all sorts of duties in the Revenue officers, as has been said explicitly, on Oriental lines, following the example of the old Oriental despots, who combined in themselves the power of settling the assessment and sitting in judgment. As your Lordship knows, a Revenue officer not only assesses and collects the revenue, but sits in judgment on all questions that can be raised in connection with it. He is the Court that decides all disputed questions about it, both original and ultimately in appeal. That, I say, is an Oriental notion from the old days.

I suppose there is a very definite line of appeal and of revision in all these matters?—To Revenue officers only. The jurisdiction of the Civil Courts has been absolutely excluded by Law in all these Revenue matters.

Would you suggest that in these matters of Revenue, which are really matters of taxation, all questions in dispute should come under litigation through the Courts?—Just as in Ireland, to Courts specially appointed for the purpose of determining those questions.

Such a line of action as regards taxation certainly is not followed in England?—Taxation is somewhat different from the assessment and collection of Land Revenue, because there are many questions of land tenures which have to be decided in connection with them. I have always held that it would be beneficial to all parties, both to the Government which suffers the opprobrium cast upon them, and to the Ryots, that special agricultural Courts should be instituted for the purpose of deciding these Revenue disputes between the Government and the cultivator.

Would it not tend to an undue increase in litigation without any effective results?—This cry of undue litigation has been worked a little too hard. There is litigation on these matters in every country in the world.

In a degree?—Yes, but I have always, understood that in Scotland, for instance, they will fight about every inch of land, and if they are advised not to do so, as I believe is pointed out in Sir Walter Scott's novel of *Guy Mannering*, they would be dissatisfied if they could not go into a Court of Law.

But, if they were given more power they would fight all the more, would they not?—It is human nature.

If you allow full range to that human nature, would you get any better administration?—It would produce contentment, which I consider is one very great aim.

Would you like to allow litigation full scope in order to produce this contentment?—I have strongly held that.

There is one further question I wish to ask in connection with the same paragraph. You say: "They are always contending that Criminal Justice should be administered in a rough-and-ready way by Executive officers without the safeguard of Judicial procedure and Rules of evidence;" but is that the case? Is it the case that the Executive officer in his magisterial work carries out his responsible functions without the safeguard of Judicial procedure and Rules of evidence?—I do not say that he does do it, but he rebels against being obliged to do it. I say he is always wanting to have the power to do it.

Does he not have to carry out his work, as a matter of fact, under an extremely strict code of Rules?—Absolutely so.

Provided, he does that, and I suppose there is the machinery to see that he does do it, that is an important point, is it not?—My meaning is that they are obliged to do it because the Law strictly obliges them to carry out those things. But Revenue and Executive officers have always contended that these Rules of evidence are too onerous, that they are not fit for a country like India. That is a contention you will find repeatedly urged by Executive officers, who say the Rules must be done away with and that they must be allowed to judge as practical men how to deal out justice.

Have you any evidence to show that such contentions have successfully been put into operation by these officers in contravention of their instructions?—No, I do not say they do, because they would be hauled up by the High Court. But, still all the tendency is to require absolute power in that respect.

They are very completely under the control of the High Court, are they not?—Yes, ultimately, they are under the High Court, but not in the first instance.

You propose recruitment to the Judicial Branch by three channels?—Yes.

You wish a third assigned to the Provincial Service, a third to the Bar, and the remaining third to the Civil Service?—Yes.

Do you think that Judicial officers recruited in these different ways would be regarded, both within the Service and by the general public, as of equal status?—I think so, because they would all have very good qualifications for the performance of Judicial work. All the three in their way would possess exceedingly good qualifications for Judicial work.

So that in appointments to the Judiciary you do not altogether carry out the principle which you were contending for when you answered my questions on the subject of examination in India?—I pointed out this in my Memorandum.

Where do you see any great difference?—There is a very great difference, because in all the three cases there is the preparatory qualification. The Subordinate Judiciary, as I call it, would begin with a competitive examination after having qualified themselves by legal University degrees. What I propose is that the posts for the Subordinate Judicial Service should be recruited from people who have passed the LL.B. degree which includes, in our Presidency and I believe everywhere else, the degree of general culture, B.A., as they have to take that before they go in for the legal degree. Therefore, in the first instance a certain proportion of qualifications

is ensured: Then comes the competitive examination for entrance into the Subordinate Judicial Service. Then they work in that Service, and as they rise they get transferred into the higher Service.

By another competitive examination?—No, because I think they have sufficiently gone through the preparation.

By selection?—Not by selection. In the first instance it is by open competition.

But in the final recruitment?—Selection under the guidance of the High Court. The appointments should be made from the higher posts of the Subordinate Judiciary on the recommendations of the High Court, who have had opportunities of watching their work.

So that, you finally have to fall back on the system of selection which you deprecate so much?—Yes, but to a very limited extent. Nothing can be perfect in this world. We must avoid it, however, as much as possible.

I do not quite see why you raise such a very strong objection in the case of the examination and do not, raise it here?—Because, in that one case, it marks out a difference between the two classes of candidates, which is a thing which has really to be looked at very seriously.

One of the tests now of getting into the Provincial Service is a degree, is it not?—Yes, with regard to the Subordinate Judicial Service.

I suppose, you would be prepared in these circumstances to modify the remark you make in your Memorandum where you say: "In this Presidency a College education and an University degree appear to be regarded as positive disqualifications for selection?"—Yes. But, what you read out is a quotation from Dr. Wordsworth's article.

EXAMINED BY SIR MURRAY HAMMICK.

Supposing, the Secretary of State said that he would continue the open competition at home, as it stands now, but, that in order to give Indians a better chance he would supplement the number of Indians who passed in the competitive examination by a local system of recruitment in India to make it up to one-third of the members of the Civil Service. By that means he would be putting no limit on the number of Indians that passed in the open competition at home, but would only be supplementing the number of those who passed. Do you think that would be contrary to any statute?—It is contrary in letter and spirit to the pledges that have been given.

It would be placing the Englishman rather under a disability instead of the Indian?—I do not mean that. It would be the Indian who would be placed under the disability.

How so more than he is now?—At present the disability is as near complete as possible.

You think the present system is contrary to the statute?—I say so most distinctly. All my answers are based upon that.

You would think an order of the sort, I refer to, would in some degree alleviate

that disability from which you suffer now?—In a sense it would alleviate it, but it would make the distinction and difference which it is most important to avoid more marked than ever if it were done at this stage.

You say in the fourth paragraph of the Memorandum: "If, however, what is meant by administration on English lines is the application of principles deduced from the most advanced education and culture and the progressive experience derived from all ages and climes, then English education will qualify Indians to apply them to Indian administration under the guiding statesmanship of England as well as, perhaps better than, Englishmen hampered by the bias and prejudices engendered by belonging to the ruling race." When you refer to the guiding statesmanship of England, do you mean the statesmanship in England or of Englishmen in this country?—In England: the Houses of Parliament and the Secretary of State.

I should understand from your remark that in your opinion it is far better that the English should clear out of the country at once?—Not a bit of it; I have been one of the most staunch advocates of the continuance of British rule in India.

But, you say, that English education in India will qualify Indians to rule this country as well as, and perhaps a great deal better than, Englishmen who have considerable prejudices; and therefore the sooner Englishmen leave the country the better according to this?—That does not at all follow from what I say.

You do not think it does?—It does not.

I should say from reading the paragraph that it did?—I do not see that at all.

When you say in the Memorandum "In this Presidency a College education and a University degree appear to be regarded as positive disqualifications for selection," I understand that remark to be really a quotation from a letter written by Dr. Wordsworth in 1870?—Yes.

That has completely altered now?—The feeling has not altered. It is a curious thing that very good men and very good civilians, in whom you find some good and great qualities, have a rooted dislike to an educated Indian. I once pointed it out in the Bombay Legislative Council, even against such a distinguished gentleman as Sir Frederick Lely.

Your opinion now is that, with very few exceptions, every civilian has a serious prejudice and a great dislike to the educated Indian?—I beg you not to put it in that sweeping manner. It is not every civilian with few exceptions. What I have observed in the course of a very long and active life, in which I have mixed with Indians and Europeans very largely, is that there is an unfortunate circumstance that forces itself on your mind, namely, that somehow or other there is a rooted dislike to the educated Indian in the average civilian.

The average civilian has a rooted dislike to the educated Indian?—Yes.

As you put it here: "The discontented B.A. has been and still is the cherished *bête noire* of most Anglo-Indians?"—Yes.

That is not only your opinion but that is the opinion of the Bombay Presidency Association?—Yes, it is. I may mention that I do not base it simply

upon what I have seen, but on the declarations of responsible Indian officials and Anglo-Indian officials.

Who?—Sir Charles Crossthwaite, in a Convocational Address which he gave just before his departure from India, frankly pointed out that there were difficulties in the way of putting Indians in the Service, and he distinctly admitted that it is for the purpose of keeping out the discontented B.A.

I do not follow you. Do you mean to say that Sir Charles Crossthwaite said in a Convocational Address that the average civilian had an intense dislike to the educated Indian?—Not in those words, but he distinctly and frankly admitted that obstacles were put in the way of higher education for the purpose of keeping out the discontented B.A.

By whom?—By Government, that the Government policy put obstacles in the way of the promotion of higher education because they did not want the discontented B.A. together in numbers.

That is quite a different thing. We none of us want the *discontented* B.A. in numbers: I do not suppose any of us want that?—I do, because I mean by the word discontented something different from what is understood by average Anglo-Indians.

But, that is a very different statement from saying that the average civilian has an intense dislike to the educated Indian and that the B.A. is the cherished *bête noire* of most of them?—Sir Charles Crossthwaite's statement does not go up to that point. We have together a great many other statements and personal knowledge and experience. My personal knowledge and experience for forty years in public life have confirmed me in this belief, and I deplore it, as I said in the Legislative Council.

Do not you think that possibly, if you brought out the civilian at a younger age, he might get over this spirit of intense dislike of the educated Indian?—The difficulty in the way would be the Anglo-Indian surroundings among which he must be. He catches the tendency of the society in which he is most involved.

But you do not think the fact that the Englishman comes out at 26 or 25 with a University training in England, which has made him somewhat prejudiced, has anything to do with this intense dislike of the educated Indian?—I do not think so. He acquires it when he comes to this country under the conditions in which he lives.

You do not think that bringing him out younger would do any good?—I do not think so.

You say in your Memorandum: "This Association firmly believes that no person can make a really efficient Judicial officer without combining a sound knowledge of the principles of Law with the power of appreciating evidence which only comes from legal practice in legal tribunals." Therefore you think that no civilian who comes out and becomes a Judge can be a really efficient Judicial officer?—Very much so, except that things might be modified if he passed his probationary period in Chambers and in English Courts.

As he has not done that hitherto I may take it you think no civilian now can become an efficient Judicial officer?--Not in the perfect sense of the word, but, of course, there are exceptions; there are men of exceptional talent.

You would admit that in the last thirty years you have had two most remarkably distinguished Judges in your own Court in Bombay?—I can give other instances, Sir Maxwell Melville and Sir Raymond West, but those are exceptional men altogether.

There have been two or three men in the Madras High Court and two or three men in the Calcutta High Court who were civilians who have done honour to the profession, men like Mr. Justice Holloway and Mr. Prinsep, but you say they are exceptional men?—Exceptional men altogether.

And you think that the average Judge in the Civil Service is not an efficient Judicial Officer?—Because, he cannot appreciate evidence as well as a Judge should do. That is an opinion which I have formed after long acquaintance with Judicial Courts of all grades.

The High Court Judges who have been here have told us that one point about the Civilian Judge is that he is a direct appreciator of facts in regard to his cases, but that is not the view which you take?—No, and other Judges of the High Court have not taken that view. Sir Charles Sergeant said, before the last Public Service Commission, that Native Judges were far superior to District Judges in appreciating evidence. That was the experience of a Chief Justice who presided over the Bombay High Court for several years, with great distinction. He was reputed to be a Judge of severe impartiality and independence of character.

Further on, in your Memorandum you say: "The recruitment to the Subordinate Judiciary thus constituted should be by a competitive examination to which all graduates of Universities holding the degree of Bachelor of Laws (which includes the degree of B.A.) and having been in practice for three years should be eligible." How would you define practice there?—In a general way. They must bring certificates of having attended Courts.

At what age would you now hold this examination?—The Bachelor of Laws cannot be acquired before a man is 21 or 22, if he does not fail at any examination. If after that he attends Courts for about three years it will bring him up to the age of 25 or 26.

Can he get his certificate as a practising Barrister at once after passing his LL.B., and become a practising Pleader immediately after taking the degree?—Yes.

There is no period of apprenticeship necessary, as it were?—No.

He would be about twenty-five then?—Or 26; 25 would be the earliest age at which he could do it.

Do you think you could get the best man to go in for this examination?—I think so, there is such a demand for these places.

You would not reserve any of these appointments for English Barristers?—They will come in in the second-class.

By nomination ?—As men who have practised in the Courts, Barristers and Advocates who have practised in Court for five years.

You would include the Barristers from England in them?—Yes, who have practised in Indian Courts.

Would they have a knowledge of the vernacular suitable to allow them to act as efficient Judges?—If they ever intended to go in for appointments of that character I think they would take care to qualify themselves by a knowledge of some of the vernaculars.

You say: "It is scarcely needful to add that if the above proposals for the recruitment of the Indian Civil Service were adopted the Provincial Service should cease to exist." What are you going to replace it by?—I meant only the listed posts in the Provincial Service.

Do not you think that would take away a great many prizes from the Provincial Service which now go a great way to making it a desirable Service?—It will take away some.

Do not you think the Provincial Service will suffer very much in consequence? —The men who enter the Service may lose in one direction but will gain in another.

How will they gain?—By being put into the Subordinate Judicial Service from which they can rise up to the highest Judicial posts.

I am talking of the Provincial Executive Service. Are you going to abolish the Provincial Executive Service?—Yes, take away the listed posts from them.

How will they benefit?—They will not benefit, because they have not the high qualifications which other people will possess.

But the fact that they have listed posts to look forward to is a great attraction to the Provincial Service?—Yes, but they are very scarce and at a very great distance.

It may be so in Bombay, but not in other places. It is one-sixth of the appointments almost?— Not in Bombay.

Supposing, we increase the number of listed posts, would not that add considerably to the attractions of the Provincial Service?—Certainly it would, but it has never been done up to now.

Do not you think it is of importance to keep up the popularity of the Provincial Service?—Yes. I think the class of men who will go into the Provincial Service will not be dissatisfied if they do not get to the higher posts. It is distinctly an inferior class of people who resort to the Provincial Executive Service.

You think a distinctly inferior class of people resort now to the Provincial Executive Service?—Yes.

Do not you think that if we had simultaneous examinations in this country very much the same class of men would go in for them as go in for the Provincial Service now?—No; you will get a very much better class of people.

Is not the Provincial Service recruited from B.A.'s and B.L.'s now?—Partly.

To a great extent, is it not?—There has been a larger infusion of B.A.'s in recent times.

Do not you think those men would have a very good chance at the simultaneous examination ?—Then they will go in for it.

Is there any reason to suppose that a different class will go up for the simultaneous than goes up for the Provincial Service ?—Yes, because all the best men who are graduates will strive for the higher Service.

Do not they go in for the Provincial Service now ?—Not to a large extent.

Where do they go ?—Into different things altogether. That is why the profession of Law is so attractive.

You think the best men now go in for Law and not the Provincial Service ?—Yes, because there the prizes are much higher.

EXAMINED BY MR. FISHER.

Has your Association ever appointed a Committee to study the educational side of the Civil Service problem ?—No.

You do not present to us any recommendations with regard to the subjects to be offered for the open competitive examination ?—No. What we think is that the question of the subjects would have to be reconsidered from time to time, and that is why we have not gone into the details of the educational syllabus.

You are aware that the present system of education has been devised in order to obtain the best available English brains for the Indian Service ?—I suppose so.

That is to say, that the system of examination as we have it now was not constructed with a view to Indians but with a view to Englishmen ?—Yes, but I maintain that a system of broad liberal education which is good for Englishmen is also good for Indians.

You do not think Indians should be encouraged specially to develop an acquaintance with the classical languages and literature of the East ?—Yes, I think they should be encouraged to do so as a part of a liberal English education.

A liberal Indian education ?—No, a liberal English education. We have learned to appreciate our own classical languages, Sanscrit and Arabic, in consequence of the impetus which has been given to us by English education.

My question was a little different. I wish to know whether you would like to see Indians who come up for the open competitive examination in England offer Arabic, Sanscrit, Persian, and the languages and literatures of the East ?—They should be given opportunities of taking them up, and English people should also be encouraged to take them up, because nothing will be a greater softener of their acerbities as much as a knowledge of the great classical languages of the East.

But, you are aware that a liberal education in England is at present very largely based upon the classical languages of Rome and Greece ?—Yes.

And to that extent therefore the ordinary liberal education of the young Englishman necessarily is different from the ordinary liberal education of the young Indian ?—To that extent, because there is a greater preponderance of Latin and Greek than in the case of Indians.

If you are desirous to obtain for the Service of India the best Indian ability, would not it be reasonable to devise a scheme of education which should give a very large place to the classical languages of the East as well as to English literature and that amount of Western culture which an educated young Indian might reasonably be expected to absorb?--Yes, I quite agree with you, except that I do not think too much prominence should be given in the first instance to the classical languages of India. The matter can be so arranged that some can take the classical languages of Europe and some the classical languages of the East. I have a great veneration for the culture which can be imparted by a study of Latin and Greek. I know that Greek is now going out even in the English Universities, that there is an attempt not to make it compulsory, but still I have a great reverence for the culture founded upon Latin and Greek literature and history.

Is not real equality between Indians and Englishmen attained if you provide for Indians a scheme of education calculated to bring the best Indians to the front, and for Englishmen also a scheme of examination calculated to bring the best Englishmen to the front?--No, I do not think so. I think you can devise one system of education which would meet the requirements of both Englishmen and Indians.

In spite of the fact that the early education of the Indian boy and of the English boy is necessarily so divergent?--Divergent only in the matter of the classical languages, because all the other subjects are equally important to Indians and to Englishmen.

It has been submitted to us that if simultaneous examinations were established a young Indian B.A. would be well advised not to go in for the M.A. course at all, because the M.A. course at the Indian Universities is a course in one subject only, whereas in order to succeed in the competitive examination it will be necessary for the candidate to have studied three subjects. Therefore if you had simultaneous examination no able Indian boy would go in for the M.A. degree, with the result I take it, that the value of the M.A. degree would be instantly depreciated. On the other hand, it has been pointed out to us that an Oxford man who has taken his Oxford degree in classics can get into the Indian Civil Service without any trouble. That is to say, you have an examination which is accurately adjusted to the English University course but which is far divergent from your Indian course. Will not it therefore damage Indian education if you force all your ablest boys to go in for that examination?—We can alter our University courses here. You have assumed that the M.A. takes up only one subject, but it need not necessarily be so for all time. We have been changing our courses over and over again. There is nothing to prevent us from adjusting our courses to new and rising requirements.

You think that the introduction of simultaneous examinations will lead to the adjustment of the University courses in India to a scheme of examination which has been specially devised for Englishmen in England?—To some extent it will, but that will not be a harmful extent.

You are aware that if you did that the course of educational history in India would diverge completely from the course of educational history in England, because

whereas in England the competitive examination has been adjusted to the University courses, in India the University courses would be adjusted to the competitive examination?—There will be no harm; the result will be the same.

Are you aware that in Oxford and in Cambridge the existence of this competitive examination is by some regarded as an educational evil?—Various opinions are formed with regard to the subject; sometimes one reads one thing and sometimes another. A thing is altered in a very short time and another is taken up. The Old Universities are themselves in a state of conflicting opinion about these questions.

There is, of course, a divergence of opinion, but, I think, the general sense is that there is an evil in the competitive examination which can be remedied if the competitive examination is adjusted pretty closely to the University courses?—I would not venture into a discussion of these matters founded upon a close knowledge of University requirements in England.

But, you would admit that the educational interests of India are far more important than the question as to whether India gets five, six, ten, or fifteen more members into the Indian Civil Service?—They do not conflict, and could not except by a miracle.

But you would admit it if by a miracle they did conflict?—We do not live in the days of miracles.

But if by a miracle, assuming miracles to exist in India, the interests of educational advance in India conflicted with the admission to simultaneous examinations of a greater number of candidates, would you not say that the educational question was really more important?—I would say "Yes" to your question but for another consideration, which is that the introduction of simultaneous examinations will do great good in connection with the contentment of the people, in their realising that British rule does not stamp them as an inferior people only to be ruled. That is a great gain.

I gather from your answer that the question has been rather treated in India as a political question more than as an educational question?—A political question as well as a question of efficiency of administration.

(Adjourned for a short time.)

EXAMINED BY MR. RAMSAY MACDONALD.

I should like to take you back to the point where my colleague Mr. Fisher left you at with reference to examinations and University curricula. Have you heard that within recent years our two Old Universities, and Oxford in particular, have been influencing all our public examinations so that they may fit in with their work?—I have heard that.

And you heard Mr. Fisher say that the examination for the Indian Civil Service has been designed so that it fits in with the Oxford curriculum?—Yes.

If you had a simultaneous examination here upon the same line, the influence that that would exercise upon Indian education would be, would it not, to make it the same as the Oxford curriculum?—Very much so.

So that, if you are going to follow the advice of people who want the Universities to adapt themselves to Oxford you could not do better than come under the influence of simultaneous examination ?—Exactly.

Would there be any other influence such as the promotion of post-graduate studies ? Take the Science part of the Indian Civil Service Examination. In so far as you do not provide for that standard of teaching now, and in so far as the establishment of simultaneous examinations are concerned, would the influence be to provide opportunities for post-graduate study which would bring your scientific tuition up to the best English level ?—Yes, I think it would.

Against that you have to face the fear of cramming. What is your view of that ?—You have asked a question about which I have strong opinions. They do not agree with the popular view of the thing. I am not afraid of cramming, as most people are. I consider that cramming kept within proper limits is an useful instrument for education. I remember reading an article in *Fraser's Magazine** in which it was pointed out that the evil of cramming is much exaggerated, while, on the other hand, its benefits are not recognized. All education must, to a certain extent, depend upon cramming. Education is the training of the intellect, but it has another object, the acquisition of knowledge. I always consider that education consists of two things, the acquisition of knowledge, and the training of the mind and intellect. To some extent the acquisition of knowledge does require a certain amount of cramming, and, so far, it is not deleterious.

Speaking as one who is closely associated with the University work in Bombay, and who holds certain official posts in connection with it, you think that the real educational gain of simultaneous examination would be much greater than any disability that might come from the establishment of cramming ?—Yes, certainly.

With reference to the demand for simultaneous examination, we have been told that it is somewhat slackening : you do not agree with that ?—It has slackened in one sense. "Hope deferred maketh the heart sick." We have been so long expecting simultaneous examination, especially at the time of the last Public Service Commission, and we were so sanguine that we were really going to get something in that direction, that we have had a severe disappointment ; and if there has been

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* The article referred to by Sir Pherozeshah is the following :—"An immense deal of nonsense is talked about 'cramming.'. No amount of cram will enable man or boy to translate at first sight a stiff piece of Latin or Greek into English, or to translate a piece of Carlyle into good Tacitean Latin, or into Greek in the style of Demosthenes. Differential and integral calculus are not things 'quick, sharp boys' can pick up a smattering of in a hurry. At least any crammer deserves all he gets who can show them the way to do so. A crammer can help a well-educated youth to summarise and condense his knowledge, can teach him to answer fully yet tersely, and can point out a great variety of points which must indispensably be remembered, and which points a student by himself would be long in ascertaining. Such a 'crammer' must be an able and experienced man, and as such deserves an ample honorarium. But if it be meant that a crammer or crammers can cause a badly taught, superficial youth to pick up a smattering of a number of subjects, and thus gain a place, all we can say is, that we entirely disbelieve the assertion. The rules of the examination are expressly framed to exclude such smatterers, and we believe do so. At all events we have met none of the class referred to among the members of the new service"—*Fraser's Magazine*, October 1873.

a certain amount of apathy following a disappointment of that sort you may say that the demand has slackened, but, really and substantially, it has not done so.

You think there has been no change of opinion?—There has been no change of opinion at all.

Again, from the educational point of view, what is your opinion with regard to the proposal of taking Indian children of the age of thirteen or fourteen and sending them to England?—I can only wonder that such a proposal should have been seriously put forward. In the first place, do people really think that parents could entertain such a proposal? In the very beginning of the thing, is it possible to imagine that Indian parents will consent to send children at the age of thirteen or fourteen to England, even if ultimate success were assured so far as passing the Civil Service Examination is concerned?

Take your own community, which is very liberal-minded and less bound down by the conservative feelings which prevail so commonly here: do you think that many Parsis would send their children to England at that age?—They would never send their children by themselves. There is, however, this difference in the case of Parsis. Just now there is a little tendency among Parsis to take their children with themselves to England for their education even at that early age. There have been a few cases of that sort, and they may, to a certain extent, increase.

But those would be very wealthy people?—I was just going to say that those would be wealthy people who can afford to stay in England in that way.

But taking the generality of educated people?—They never would consent to such a thing.

With reference to the question of age you are of opinion that a man coming out at twenty-five comes out at the best time?—At about the best time.

Do you also hold that the age of twenty to twenty-two is the best time for the competitive examination?—Yes, I think it is the best time for the competitive examination.

Why do you put that high age for the competitive examination? Supposing the competition took place at seventeen to nineteen, after public school, and following upon that there was a training which would make them more expert upon Indian questions and Indian problems, that would bring them out not much earlier than they are brought out now: you would get about the same age for coming out only a much earlier age for the open competitive examination. What would you say with regard to that?—I did not consider that, because I thought a practicable scheme would not allow too long a time for training in England. That was my only reason for putting it the other way.

There are two sorts of Schools. There is the School, the Macaulay's School, the Mid-Victorian School, which says, give a man at a fairly late period in his youth a general education, a classical education, and so on, and then put him into work. And there is the other, the somewhat more modern and Scientific School, which says, take a man earlier, take his general education at an earlier period, and super-impose upon it a technical education, technical in view of the work which he has to do.

Which School would you associate yourself with in connection with the Indian Civil Service ?—The Mid-Victorian. Perhaps I am old-fashioned, but I am strongly inclined that way.

Whilst it is quite true you may get a man with more mature judgment, say, at the age of twenty-five, has not that man also settled much more in his habits than if he was taken two or three years earlier ?—Of course he has. He would be less formed at the earlier age than the later age. But I still consider that twenty-five is not too late an age for further assimilation.

In so far as the English characteristics are not Indian characteristics, and tend to range themselves in water-tight compartments away from Indian characteristics, do you think that there is more hope for the man of twenty-two than for the man of twenty-five in assimilating himself to his circumstances ?—No, for this reason. A young Englishman of twenty-two coming out to India is more impressionable to the society which is immediately around him, and, according to my notion of things, he would imbibe prejudices which he might not find it easy to give up: whereas, a man of twenty-five would not be quite so impressionable to the society which surrounds him.

But the society which surrounded a man of twenty-two in India would not be purely English Society, would it ?—Largely; because an Englishman will not mix easily with other people.

Supposing you took the precautions, in his probation, of course, to make him mix with the best Indians in the service, what would you say then ?—It would make no difference, though I am afraid it would be very difficult to take precautions for that purpose.

Is not a man of twenty-five much more likely to associate with his own race than a man of twenty-two ?—I find it somewhat difficult to answer that question. What I was laying stress upon was the impressionability, which is of more account in these things than other circumstances.

Is it not the case that a man of twenty-five has selected whom he is going to work with far more definitely than a man of twenty-two ?—Yes.

And that, consequently, instead of a man of twenty-two being more likely to adopt purely English prejudices when he comes out here, a man of twenty-five is much more likely to adopt English prejudices ?—It might be the one extreme or the other. He might take to the one thing or the other.

You referred, I think in answer to a question put to you by the Chairman, to Revenue cases which were dealt with exclusively by Revenue Executive Officers, Executive Officers acting as Judicial Officers. Would you mind giving us the process a little more in detail; what kind of case have you in mind ?—Any question affecting the assessment and collection of revenue.

Where would the dispute arise: try and visualize a particular case in your own mind ?—Shall I tell you my own case ? I have been involved in these cases, and I have had to go up twice to Government.

Supposing I was the ryot and you were the oppressive Executive and Revenue Officer?—I do not like that position, but I will accept it.

Supposing you have done something I object to, what should I have to do?—I will give you the case of a building fine. I dispute it.

You are now representing the ryot?—Yes.

Where would you first go to?—To the Mamlatdar, and he only refers for Orders to the Collector. The Collector gives the Mamlatdar certain Orders which the Mamlatdar passes on to me. I am dissatisfied with it. I then make an application to the Collector. He passes an Order upon it. He sits in judgment. It is,—The Collector *versus* So and So. He states the facts and he passes an Order. I am dissatisfied with it. I appeal to the Commissioner, who, if he chooses, makes some inquiries into my case. He sends for me, and he passes a Judicial Order upon it. I am dissatisfied with that. I then appeal to Government.

What do you mean by "Government"?—The Executive Council. Then they pass whatever Order they think fit. After that I have no remedy.

That is the final stage?—Yes.

You cannot run your appeal on to the regular Judiciary?—I am prevented by law from doing so.

EXAMINED BY THE CHAIRMAN.

What is a building fine?—When any portion of agricultural land is used for the purpose of building a house upon it, the Government have discovered that it is liable to a special fine and a special assessment. Speaking of my own case, I purchased some agricultural land in the village of Deolali. I began to build. Various questions arose, and the Collector passed an order that I should pay a fine of Rs. 17,000. That was on land worth Rs. 4,000. Of course, I naturally appealed.

EXAMINED BY MR. MACDONALD.

The payment down is a capital sum?—Yes. And besides that there is the assessment. That is a question which has been much agitated in the Bombay Presidency. There is the case of Salsette where the City of Bombay wanted to extend but it could not extend. People could not get land in Salsette, which is only a continuation of the Island, because such heavy fines were inflicted when land was used for building purposes. These matters were keenly agitated in Bombay. I remember my friend, the late Mr. Tata, presented a strong memorial to Government because he wanted to extend the City into Salsette. This sort of thing prevails all over the Presidency.

EXAMINED BY MR. SLY.

The illustration you have given about the building fine arises under the Land Revenue Code? Yes.

There is a section in the Code which provides for the levying of fines on agricultural land diverted to other purposes?—Yes.

In your case was it a dispute about a principle of law, or was it simply a dispute about the amount of the fine?—The amount of the fine, and the extent of it.

The building fine was formerly levied only with regard to the piece of land upon which you built. They tried to extend it to all the surrounding compound land which had been previously excluded.

Was your objection to the principle of the law under which this unearned increment on the land was secured to the Government, or was it simply to the amount of the fine that was levied ?--I did not contest the law, because I could not.

It was the amount of the fine ?—Necessarily.

If there had been a question as to whether any fine was leviable or not, that would have been open to trial in the Civil Court ?—No.

Not as to a dispute as to the amount of a fine, but as to whether any fine at all could be levied under the law; could not that have been taken to the Civil Court ?—No.

Any question of title with regard to land can be taken to the Court ?—Certainly, as between private parties. It certainly could be taken to a Civil Court.

I think you told us that there were about three hundred members of the Bombay Presidency Association ?—Yes.

When was the last General Meeting of the Association held ?—About two years ago.

About how many members attended it ?—About one hundred. Our members are scattered all over the Presidency. The three hundred are not people who are resident in the City of Bombay alone. They come from all parts of the Presidency, and, unless there is something very stirring, they generally do not find it convenient to come down to attend the General Meeting.

You stated that it was managed by a governing body ?—Yes.

Of how many members ?—Fifty.

Was this Memorandum which has been put in by you passed by the governing body ?—Yes, certainly.

At a meeting of the governing body ?—Yes. Three meetings were held for settling the draft, and it was finally passed at a meeting of the Council.

About how many members were present ?—At the last meeting there were a large number present, over twenty, I cannot, however, tell you the exact number.

EXAMINED BY MR. GOKHALE.

You stated in reply to the Chairman that you have been in the Bombay Legislative Council for twenty-five years ?—Yes. I was first nominated by Lord Reay under the old system when there was no election. Ever since the Councils Reform Bill, 1892, came into force, I have been a member of the Council.

You were also in the Viceroy's Legislative Council for a number of years ?—Yes; for three terms.

You have represented the Bombay Corporation in the Bombay Legislative Council ?—Yes; ever since 1893.

How long have you been in the Bombay Corporation itself ?—Forty years. I have been a member ever since its foundation in 1872; and before that I was on the Bench of Justices, which was then the Municipal organization in Bombay.

I take it that you advocate simultaneous examinations because you want the equal association of Indians and Europeans in the Civil Service of this country?—Yes.

You would have nothing less than equal association?—Absolutely equal association.

And you think that such equal association cannot be secured by any other means?—That is what I have long felt.

You have no fear that under a system of simultaneous examinations the service would be swamped by Indians?—None whatever.

Supposing simultaneous examinations were instituted in this country, what is your forecast: Would the English element continue to be in the majority, or would the Indian element tend to swamp?—For the next twenty-five or thirty years one can say positively that the English element will be in the majority, and I never like to go too far.

If ever the situation changes, and signs appear that the English element is going below the limit thought desirable, do you think that the problem could be dealt with then?—Yes, it could be dealt with then.

It is not necessary to deal with it now?—No.

Mr. Fisher put the question to you that if simultaneous examinations were instituted, all our brilliant B.A.'s would go for the simultaneous examination, and that very few would go in for the M.A. Do you accept that view?—I should have liked to answer Mr. Fisher a little more fully. I think, on the contrary, the result would be that many men would go in for the M.A., because that in itself would be a very good preparation for the Indian Civil Service examination.

If they went up for the M.A. under your rules, the age limit for the Indian Civil Service would be exceeded. Sixteen years is your age for matriculation; four years more for the B.A., and two years more for the M.A., and that is only in one subject. Mr. Paranjpye stated that an M.A. would have no chance in the Indian Civil Service examination, because he would have studied only one subject thoroughly and would be at least 22; so that if an Indian wanted to go up for the simultaneous examination here he would have to specialise after the B.A.?—Probably that would be so.

Do you think that all the best B.A.'s would go up for the Indian Civil Service?—There will be various circumstances which will influence a man's choice not merely because he happens to be the best B.A.

Already there are instances of the best men having had the choice of the Indian Civil Service, and their not having gone in for it?—There are many who have a good opinion of themselves and who would prefer to go in for the legal profession, where the prizes are considerable and whom no Indian Civilian could ever hope to rival. The men who are most successful at the Bar can make an income far in excess of anything that the Indian Civilian can make.

They generally take the M.A. first, and the LL.B. and other legal examinations afterwards?—Yes.

Do you not also think that with the growth of facilities for research and original work and that kind of thing, those who are interested in education itself would prefer an educational career to the Indian Civil Service?—Yes. The state of things in India is such that there are many openings in those directions; and a good many people will prefer it.

So that Mr. Fisher's fear is not well founded?—That is so.

Even if a man goes in for the Indian Civil Service and fails, there is nothing to prevent him from going up for the M.A. afterwards?—Nothing whatever.

The ranks of the M.A.'s need not be seriously depleted because of the Indian Civil Service?—No.

The opinion has been expressed by several European witnesses that if a simultaneous examination were instituted here it would have a deleterious effect upon University education. I do not know if you are of that opinion, because in reply to Mr. Fisher you said that possibly our curriculum might undergo changes after the institution of the Indian Civil Service simultaneous examination?—It would have no deleterious effect on education. It would be for the good. That is what I maintain.

You are aware that no change can be made in the University curriculum without the sanction of Government?—I know it very well indeed.

Therefore, if there was likely to be any deleterious effect produced, in any case the Government would be there to prevent that?—Government has watched very closely what takes place at the University, especially in recent years. They watch every change made in the University Regulations, and they give their consent only after very careful consideration.

Perhaps they watch too closely?—That is my view of the thing.

Then, again, the Government appoints four-fifths of the Senate?—They appoint 80 out of the 100 Fellows. There are *ex-officio* Fellows who are high Government officials. The twenty men are not open entirely to election, but Government can to a certain extent limit their election.

So, at least, four-fifths of the Senate is appointed by them?—Yes.

So that no change is likely to be recommended to which the Government are opposed?—Absolutely no. In the first place you have to obtain the sanction of the four-fifths who not only are appointed by Government, but the majority of whom are Government officials, or Educational officers.

And, if changes are recommended which the Government disapproved, Government will stop them?—Government will have the opportunity of putting a stop to them if they are not considered desirable.

You said, in reply to the Chairman, that any special additional facilities that may be given to us in India to get into the Indian Civil Service in addition to the London door would stamp us with inferiority; for instance, if a separate examination is given?—Yes.

But I put to you this case. Supposing, the Civil Service Examination, instead of its being held once a year in London, is held (the same examination, under the same

controlling authority, the Civil Service Commissioners, the same examiners, and the same everything) every six months or twice in the year once in London and once in India, a certain number of places being offered at the London examination, and a certain number of places being offered at the Indian examination, open in both cases to all His Majesty's subjects of all races and creeds,—would you have any objection to such a scheme?—If I could not get the one which I prefer, I would accept this.

You do not think that that would contravene the spirit of the Statute of 1833?—No, but it might bring out a difference between the successful candidates of one country and the successful candidates of the other. Otherwise, if I cannot get simultaneous examination I would accept this.

If the examination in India was open to all His Majesty's subjects, and if it was held under the same authority, and if the Civil Service Commissioners certified that it was of the same difficulty, would your objections not be met?—Then all the most serious objections would be removed.

Coming to your Memorandum, I see that you carry the fight into what might be called the opposite camp?—I hope not. I only state facts.

You advocate simultaneous examinations not only on the ground of political expediency and wisdom, but also because you think that it would lead to increased efficiency of the Service?—I have been convinced of that fact for a very long time.

Will you explain what you mean, a little more fully? Do you mean increased efficiency of the Service by a larger introduction of the Indian element?—I have more than once pointed out that able as English Civilians are, and possessing, as they do, many great qualities, they are, and they remain, almost to the end of their career (I am not speaking invidiously) ignorant of the ways and thoughts and habits of the people, to a remarkable extent. I have had an opportunity of saying this and pointing out what is really the knowledge or rather the ignorance of English Civilians of the Natives of the country in a speech which I made in the Bombay Legislative Council as far back as 1901. I pointed out that the unfortunate difficulty which Englishmen have in acquiring Indian languages keeps them apart from the people in a way which would not be patent to people, except those who have been in close contact with these matters. I have wandered all over the Presidency in my professional career, going from village to village, and have had an opportunity of seeing the work of English Civilians perhaps more than any other person; and even when their intentions were of the very best, I have found that the ignorance of native ways was a great obstacle in the way of their understanding and dealing with the people. It is wonderful how Englishmen cannot acquire the language.

In the case of Indians the advantage of knowing or being able to acquire the language is great?—It comes to them intuitively. So that, if you could combine the two things, as would be the case, if Europeans and Indians were members of the same Service, and mixed with each other on equal terms, the efficiency of the Administration would be largely increased.

Each side would supplement the good points of the other, and the total combination would be for the good of the country?—Yes.

You say: "Most of the great Englishmen who knew Indians closely and intimately have borne generous testimony to the moral qualifications of Indians." Will you mention some of the names you have in your mind?—I will give you the names of all the principal people, Sir Thomas Munro, General Le Grant Jacob, Sir John Malcolm, and Mr. Elphinstone. There are various other names which I could give you. In writing this Memorandum I have had in mind the selection of the opinions of the most distinguished administrative Civilians and Military Officers who have expressed their views upon that subject.

They knew Indians in pre-British days, when Indians occupied positions of authority and command and exercised responsible functions in Native territories?—Yes.

Indians have not had similar opportunities since?—No.

Therefore the opinions of the present day Europeans are not entitled to the same weight as opinions expressed by those Englishmen who saw Indians actually working in great and responsible positions?—If I may be permitted, and I am not taking up the time of the Commission, I should like to refer to an account of the way in which an Indian could administer Revenue and other matters. I had occasion recently to read up the history of the Sangli State. The Chief of the State, in the first half of the nineteenth century, Chintamanrao, was a personal friend of the Duke of Wellington. If you will allow me to do so I will read you a description of him so far as his administrative powers were concerned. "Chintamanrao (he was the Chief of the State) was a competent Administrator. The key-note of his administration was to keep his subjects contented. He was of a comprehensive and versatile mind and there was no subject affecting the well-being of the State which did not attract his attention. He promulgated his Code of Civil, Criminal and Revenue Procedure in 1857, but he had been collecting materials for this Code for over ten years. The codes of laws promulgated by Mr. Elphinstone were, of course, before him, also the code issued by Tipu Sultan of Mysore, and the rules and regulations issued in Kolhapur and in other places. He took considerable interests in mining operations, particularly, gold mining in Kupalgad Hills, which he encouraged. In one of his tours he found marble stones at Vervi in the Shirhatti Taluka. He set about exploring for it and for other stones, etc., in Shirhatti. In 1835, he issued orders reserving the right of the State in respect of gold, silver and precious stones, while allowing free opportunity to all to explore for litho stones, manganese and other minerals. He made unsuccessful efforts to introduce a silk industry into the State, etc."

That Chief had worked with the Duke of Wellington?—Yes; and the Duke of Wellington had the highest regard for him.

With regard to the suitability of a competitive examination to Indians, the view has been expressed that while a competitive examination may be a good test for Englishmen it is not an equally good test for Indians, because it tests only intellectual qualities. You share the view with Lord Sherbrooke that intellectual and moral qualities are interdependent? Yes, absolutely.

To what extent do you think the competitive test is a proper test for getting Indians of the right stamp into the Public Service?—I think it is as good a test as in the case of English people.

And you cannot think of any other which is equally good?—No, that is so.

You mention certain qualities, and you say: "If, however, what is meant by administration on English lines is the application of principles deduced from the most advanced education and culture and the progressive experience derived from all ages and climes, then English education will qualify Indians" and so on. Do you mean by that, English education as imparted here, or do you mean, English education which has had the finishing touch of residence for a period in England?—In the first place, I would say, the English education imparted in India; but, as in the case of all educated people, they are always the better for going and studying in other countries and especially that is the case of an Indian studying in England, which is the ruling power.

You think that the English education which we receive here gives us a fair amount of those qualities which are thought to be necessary for carrying on Administration on English lines?—Sir Alexander Grant, who was the Principal of the Elphinstone College, and Director of Public Instruction, laid it down in one of his reports that English education made his Indian students more trustworthy, more reliable, and more courageous in the exact proportion to their scholarly attainments, in the exact ratio; and that is the opinion which I have always held.

You think that the education we receive in this country develops not only our intellectual qualities but also our moral qualities to a corresponding extent?—It develops both the moral and the intellectual qualities.

And if the men who are selected are sent to England as you propose, all the necessary requirements of the situation would be met?—Yes.

EXAMINED BY MR. CHAUBAL.

With regard to your scheme for the recruitment of the Provincial Civil Service you say, "The Association are of opinion that one-third of the recruitment should take place from the body of legal practitioners, Barristers and Advocates." Do you advise it for the Pleaders?—The Pleaders can come in in one of the three proposals.

Which one?—The Subordinate Judiciary. All Pleaders would be eligible for that. The LL.B.'s are Pleaders. That one-third would be open to all Pleaders.

Under the first part of your scheme, as I understand you to say, you submit LL.B.'s to the same competitive examination, and get them into the service?—Yes.

If your scheme is that B. A.'s and LL.B.'s have to sit for a certain examination, and that the Provincial Subordinate Judicial Service is to be recruited from that class by competitive examination, there is no scope for Pleadership there?- Are not LL.B.'s Pleaders?

They are qualified to be Pleaders if they do not go in for the competitive examination and enter the service?—LL.B.'s after three years.

That is as it is at present. What you want is a competitive examination. One-third is to be recruited in this way from the Subordinate Judges of the Provincial Civil Service after they have passed the LL.B. ?—No, they have to practise for three years. That is my scheme. They must be in the first instance LL.B.'s. They must become Pleaders, because it is coupled with practice for three years. LL.B.'s have developed into Pleaders after three years' practice. These are to be subjected to an examination for the Subordinate Judgeships.

What is the hardship of a practising Pleader going in under Clause No. II ?—The probability is that a practising Pleader would not have the same qualifications for the knowledge of the principles of law which an LL.B. would certainly have.

Do you suppose a practising Pleader is not an LL.B. ?—I assume he is an LL.B.

Why should not a Pleader of more than five years' standing come in under your Scheme No. II ?—He certainly could; because to be a practising Pleader he must have had an LL.B. Degree for five years, and he has already practised for three years. If he has practised for five years all the better for him. He is equally eligible as a candidate for that examination.

Do I understand that you have no objection to insert the word "Pleaders" where you have given the two classes, Barristers and Advocates, in Clause II ? —I would have no objection if the period of practice is somewhat extended.

Under the present circumstances a Barrister of five years' standing has as much practice as a Pleader of three years' practice ?—I am not able to agree with you there.

My impression is that, as a public man, you have been taking some interest in this question about the separation of the Judicial and the Executive ?—Yes, I have, for some years now.

If my impression is correct, you have worked out a scheme* for the separation ?—Yes.

And in that scheme you considered that the financial difficulty was not very considerable ? —I think it was not very considerable. I laid it before the Legislative Council in 1893.

You gave a practical instance as to why you want a separation, the building fine in connection with the Land Revenue case you mentioned ?—Yes.

In that minute of yours you mentioned cases coming under the working of the Salt, Opium, Arms and Land Revenue Acts ?—Yes.

What is the evil or mischief which the public complains of as regards these Acts ?—In many cases it amounts to persecution, to put it shortly. There were instances with regard to the Salt Act which it would surprise an ordinary man to find could be dealt with by a Magistrate in the way in which they were dealt with. Take the case of the poor woman who was convicted for using in her food a bit of saline earth she had scraped from the ground.

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* See page 61

I want to know the general character of the reasons why the public demand this separation in the trials of these cases?—In their decisions the Magistrates are influenced by their bias on the Executive side.

Is that felt as an evil only by the practitioners, or by the public?—By the public. I do not care about the practitioners. These cases are no evil to them. They bring money to them.

We have had the evidence of High Court Judges who have been asked about that point. Do you think that these cases, owing to these Acts, do not and cannot come before the High Court except upon revision?—They cannot.

Do you, or do you not, agree with me when I say that in revision, such evils are not likely to be seen by the Court at all?—I agree with you entirely. They never meddle with a revision of facts.

In clause I of your scheme you say: "The present Subordinate Judiciary composed of Subordinate Judges of different grades should be enlarged and strengthened. It deals, at present, with civil work only. To that should be added criminal work at present done by Revenue Officers." That is part of your scheme which you propose, is it not?—Yes, because I have considered that Subordinate Judges really do criminal work better than the Deputy Collectors, the authorities which are now entrusted with it, because they possess superior qualifications to the Deputy Collectors.

Apart from this tendency to decide according to the bias of the superior Executive Officer, Mamlatdars and those persons who are vested with second and third class powers have hardly any real training in law?—That is so.

EXAMINED BY SIR THEODORE MORISON.

Did I understand you to say that you thought that the holding of the examination in London was inconsistent with the Act of 1833?—Yes.

Not with the letter?—Beyond that; both against the letter and the spirit.

The letter is what you have quoted there. Nobody has actually prevented their holding any office, place or appointment, in the Civil Service?—Practically, yes.

But not literally?—Yes; because you must expound the letter fully.

I want to ask you about the other, the spirit. I am no lawyer, and I do not understand what these things mean. In what way is it inconsistent with the spirit?—The Court of Directors expounded the Statute as meaning that there shall be no governing race and no exclusion of Indians; but if you arrange that the are excluded systematically by such Regulations from that competition, then you break the spirit of that Statute.

But did the framers of this Act themselves provide by Regulation that the examination should be held in London? I have heard that said; but I remember the early debates very soon after the passing of the Statute, in which it was pointed out that they realised that for a long time to come the examination will have to be held in England. That was not an essential part of that policy.

It is in the Act?—Not that it should be held in England.

Surely one of these repealed sections of the Act directs that an examination should be held, and I think it is less favourable to Indians than the present condition, because it says that nobody shall sit for that examination unless he has had nomination from the Directors. Surely, no Indian is likely to have got a nomination?—To what Statute are you referring?

The one you are quoting.—There is no provision for appointment by the Directors in that.

I am no lawyer, but I have a copy of the section which has since been repealed.—What is the Act?

This Act of 3 and 4 William IV.—That is the Act of 1833 which lays down that no racial distinction shall be made.

It does; but, as a matter of fact, there is a provision in one of the repealed sections which one does not generally see which says that there shall be an examination for introduction to Haileybury, and that the Directors shall give nominations for persons who sit for that examination. Therefore, I gather from the Act itself that it is not contrary to the spirit of it as it was understood?—It is contrary to the spirit of it, though under the actual circumstances existing at the time it might not be possible to hold simultaneous examinations. But the spirit remains. The spirit was to exclude the theory of a governing class.

You think we are more capable of interpreting the spirit in which they framed that Act than the men who actually framed it?—No; but I would go to the people who were concerned with the framing of the Act, and afterwards with the carrying of it out. I have an extract here from the speech of Lord Stanley, who was very much concerned in all these transactions from 1833 to 1857. The extract which I have here from the report of his speech says: "He could not refrain from expressing his conviction that, in refusing to carry on examinations in India as well as in England, a thing that was easily practicable, the Government were, in fact, negativing that which they declared to be one of the principal objects of their Bill, and confining the Civil Service, as theretofore, to Englishmen." The same thing was repeated in 1857. Lord Stanley was in the best position possible to interpret what was meant.

Turning to the educational aspect of this question, do I gather from your answers to Mr. Fisher that you are not anxious that we should develop in India an indigenous system of education?—I should like you to tell me what you mean by "an indigenous system of education."

Something which would represent and carry on Indian culture?—I mentioned it in answer to a question put to me by Mr. Macdonald. I am for Indian culture: but Indian culture can best be developed in India through English education. It is English education which has taught us to appreciate Indian culture as founded upon its history and its own literature.

That would mean, surely, the study of Indian books and the great works of Indian writers?—Not only that; it would include the study of the habits, and race, and manners of the the people. Everything would be included in culture.

Something in the same way as English education has been developed by the study of Latin and Greek. Is there not a hope that we may develop an Indian culture by the study of Sanskrit and Arabic and Persian?—That is a large question; and one can only give an opinion. It has been expounded at different times that Sanskrit and Arabic may do for Indians, and Indian languages and Indian culture, what Greek and Latin did for English people. But the circumstances were different.

You do not agree with it?—No, I do not, because the circumstances are entirely different.

You say that in your own fondness for Latin and Greek? –I used the words with reverence, because I know little Greek.

But in your reverence for European classics, are you prepared to develop Indian education upon those lines of Latin and Greek which have turned out useful for Europeans but which entirely neglect the culture and civilization of India?—Greek and Latin culture is valuable, not only for one-sided development, but it is valuable for laying down principles for all development and all culture. That is the view I take of Latin and Greek literature and history. It not only teaches us specific facts confined to particular people, but it ultimately enables us to develop principles which are good for all culture.

That must mean in practice, must it not, that the knowledge of that culture which is bound up with Persian things, will disappear from the education of young Mahomedans?—No. Why should it disappear? Why should we not go, some of us, for European classics, and some of us for Oriental classics? I think it would be good for all of us if we varied in that manner.

You would have a class of boys being specially trained for the Indian Civil Service who would follow a European course of education, and you would have another class of boys who would develop more particularly the Indian school of culture?—Yes. You may take it that way. I think a diversity in educational attainments is a very useful thing.

According to your system, those who followed the Indian system of culture would not have a chance in the examination?—Sanscrit and Arabic are included in that curriculum.

We have been told that Indian education is not fairly represented in the examination?—That ought to be remedied as a matter of detail.

If you remedy it, does it not come to this, that you have one class of subjects which the Indian competitor takes up, and another class of subjects which are taken up by Europeans?—Many subjects would be common to both.

Theoretically, but not in practice?—Really, why not?

Because in the system of training, the broad liberal education of which you speak, in India is one thing and in Europe another, you may arrive at a culture in many ways by many gates. In Europe it may be Latin and Greek, and in India

it may be something else. The Greeks laid down music and gymnastics. You cannot have a simultaneous examination which will bring in gymnastics and music. If you did, all your Greeks would have gone up in that?—Yes: while your English candidates would get their culture through Greek and Latin, and Indians would get their culture through English history and English literature, which is absolutely impregnated with Latin and Greek culture.

No English boy does take up English literature as a subject for examination? —That was a complaint up to recent times, but since then has not English been brought forward in many ways as a direct subject for University study?

As a matter of fact, you will not find as a general rule that English people distinguish themselves in the examination in English literature, as will be seen by the fact that Indians are very often on the top. Englishmen who do distinguish themselves have generally done so in the grammar. It really is not represented in English education. It therefore will remain as an Indian subject, if I may use the expression?—English composition and the English language have not been by themselves a direct subject of study in University courses up to recently. They have done it indirectly because, after all, reading English literature and reading English history must give you a knowledge of the English language. The complaint was that the English language was not a direct subject of study in the older Universities. I believe there have been attempts in recent times to remedy that state of things: but, at the same time you must remember that English candidates went right through the English language because they studied all English literature and all English history.

No: no English boy, except in his out of school hours studies English literature, or, at any rate, very few do so?—Does he not read all the great books on English literature?

He may, or he may not; but that is out of school. He is never taught it in school?—That can be remedied. I believe English people have awakened up in that respect.

That means that you will have to change the English system of education?—It is very largely changed now, I think.

Would you modify that rather severe expression of yours when you say that you have carried war into the enemy's country? Sir Murray Hammick has already referred to that point. You say, "It is one of the most deplorable facts in the relations of the Anglo-Indians and the Natives of this country that even the best intentioned and less prejudiced among the former have a rooted dislike to the educated men among the latter." Is that true of the educational men?—Do you really press that question? I really do not want to use any strong language or anything that might widen the feelings between English people and Indians. That they should be brought closer together is the desire of all our best and wisest men. But this is the conclusion I have arrived at after an experience of forty years, and having associated with both Indians and English people. It is an unfortunate circumstance, and I deplore it. I have said this in the Legislative Council with

regard to one for whom I have the highest respect for the manner in which he looked after the welfare of the people, Sir Frederick Lely. But if you ask me honestly, this is the conclusion I have come to. I do not know all the reasons. One reason I have suggested is that probably educated Indians are pressing too close upon the heels of Anglo-Indians and officials ; and one feels inclined to kick at people who get too close upon your heels sometimes. It may be that, and it may be other reasons. But you may take it from me that this is a conclusion which I have arrived at after long experience. I do not mean to carry war into the enemy's camp. I have really no such intention. But it is a deplorable thing that such is the case. I have the highest regard for the English people who have shown me great acts of kindness and courtsey and consideration : but in this respect I have stated what is to my mind a bare fact.

But you have stated that in a way so that it applies to all, without exception ?—I hope not. I still make any number of exceptions ; but the broad fact will remain—I say openly that there are many Englishmen who try to get over it. There are some who succeed in doing so ; but, taking the average Anglo-Indian official, or the non-official, there is this feeling.

I only want you to say that there are exceptions ?—I will say so at once with cordial good-will.

You say that "Anglo-Indians and Natives of this country, even the best intentioned and least prejudiced among the former have a rooted dislike to the educated men among the latter " ?—I am ready to add, " with very excellent exceptions." I could not say that knowing some Englishmen as I do.

EXAMINED BY LORD RONALDSHAY.

You told Mr. Gokhale that you did not anticipate that there would be any danger of Indians swamping the Service if simultaneous examinations were set up ?—Yes.

And you also told him that if by chance in the future that did come to pass it would be quite easy to take steps then to prevent an undue number of Indians finding their way into the Service ?—I answered that in a cursory way. I have no fear of that. I have no fear for the stability of the English rule, even if there was a swamping.

I was referring to the two answers you gave to Mr. Gokhale. The second was that if that did come about, and more Indians found their way into the Service than was thought desirable in the interests of efficiency, and so on, you could then take steps and check the flow of Indians. What steps would you be prepared to take ?—Another Commission. Commissions are always at work at intervals.

I did not ask you the opinion of some future Commission, but I asked you your opinion. What steps would you be prepared to take ?—I will answer the real point contained in your question. I confess that the answer I gave to Mr. Gokhale was a cursory answer, and did not express my full view of the matter. I say that if ever the time comes, twenty-five or thirty years hence, when there was a larger number of

Indians in the Indian Civil Service than Europeans, you can take my word for it that those Indians who have entered the Civil Service in such large numbers would out-Herod Herod; they would be more English than the English themselves, and they would wish to keep up British rule, while English people with that pluck and daring peculiarly their own, do not sometimes hesitate to jeopardise the connection between England and India, so beneficial to both.

That is not quite answering my question. The question I am asking is this: I am assuming after a system of simultaneous examinations is set up, that a larger number of Indians find their way into the Service than is thought desirable; and when Mr. Gokhale made that suggestion to you you said it would be quite easy when that case arose to take steps to remedy it: I want to know what steps you would be prepared to take, supposing that it did arise?—To some extent I qualified my answer by pointing out that it was a very cursory answer. I thought it was a matter of such little importance that I said, yes, let the future look after the future. That is what I meant to convey. Taking it more seriously, if the time comes when the Indians outnumber the Europeans in the Service, for twenty-five or thirty years there is no likelihood whatever of such a thing at all. After that period I hope and believe (of course I shall not live to see it) that Indians being in such large numbers in the Civil Service itself, and under English influences, will be English in feeling as far as the safety and permanence of the Empire is concerned, that you need have no fears.

May I take it from what you have said that in your opinion it will not be necessary to take any steps?—Really I do not think that occasion will ever arise.

I suppose, as a matter of fact, you would admit after careful consideration of the matter that it really would not be possible to take any steps to limit the number of Indians getting into the Civil Service if once you granted them the privilege of getting into the Service by this examination?—I should be inclined to go with you there. I consider that in political matters of this kind you must bear in mind Lord Clive's saying, "To stand still is dangerous: to retreat is ruin." I quite agree that in political matters you cannot retrace steps, and that is why we are insisting that you must go on with some system of simultaneous examination. You cannot retrace your steps after the Statutes of 1833, 1853 and 1870. Anglo-Indians must dismiss all idea that you can go back upon those Statutes. It is a political matter of such importance that there is no retracing from steps once taken.

With regard to another remark, you say: "The majority of English Civil servants would like to remove the decision of most civil questions from Judicial tribunals to Executive officers." I should like to ask you on what you base that statement?—I will give you the instance of a Bill pending in the Legislative Council at the present moment, called the Talukdars' Bill, affecting cases in connection with the succession of property. For years, up to the present moment, these cases have been tried satisfactorily in the Civil Courts, and an endeavour is now being made to have them taken away from the Civil Courts and referred for decision to the Executive

officer. At the present moment, a Bill is pending in the Legislative Council for that purpose. I could give you numerous instances of such things.

That Bill does not propose to deal with every class of case: it proposes to deal with some particular classes of Civil cases?—These cases of succession are Civil cases, and they are always referred to the Civil Courts.

But is it upon that example alone that you base your statement that the majority of English Civil Servants would like to remove decisions on Civil questions from Judicial tribunals?—No, I would not say I base my inference upon that one single case. I only give you a typical instance existing at the present moment. If you turn up the files of Bills before the Legislative Council you will see that attempt after attempt has been made in that direction. Fortunately they have not always succeeded, because, after all, there is a body of English opinion which will not allow them to go very far in that direction. They would, however, if they could.

I only asked that question because my personal experience of Civilans in districts, and so on, is rather a contrary one. They have always given me the impression that they are very anxious not to have further burdens imposed upon them?—I have been moving in this Presidency for forty years, and I have the best relationships with English officers, and, as I have said, I am grateful to them for many acts of kindness and courtesy and consideretion. I am not speaking with any feeling against them. I have great admiration for many of them. That, however, is a trend of their mind, as Sir James FitzJames Stephen pointed out in the quotation I have given.

With regard to your suggestion for the recruitment of the Judicial Service, you say, "The most serious defect of the Anglo-Indian Judiciary arises from the circumstance that their ignorance of Indian life is not corrected to any extent by the knowledge and experience of Native ways and thought which can, to some extent at least, be acquired by the close contact into which a practising lawyer is thrown with the people." We have had a good deal of evidence from a great many of the local authorities that the knowledge of the people acquired by the English Civilian during his earlier years on the Revenue side is one of the most valuable attributes in the subsequent discharge of Judicial duties. I do not quite understand what you mean when you say that the Indian Civilian has no opportunity of getting rid of his ignorance of Indian life and Indian ways and Indian thought?—The one great obstacle in the way of an Englishman acquiring that knowledge is that he cannot acquire the Native dialects.

But does not the Indian Civilian during the earlier years of his service spend a great part of his time among the people?—Shall I describe to you what he does, as I have seen it with my own eyes? I will tell you what life he passes, and why it is he does not acquire it.

I ask you first of all, is it not a fact that during the earlier years of his service the Indian Civilian spends a greater part of his time among the people in the districts?—He has a tent outside the village; he does not pass his life with the people.

If he is alone, and has no companion, I presume he must come into contact with the people ?—I say he does not come into contact with the people except in the way of his business. It is not through the medium of his own understanding of the language that he talks with them, but through the interpretation of his subordinates, except in a very few instances. I do not know how it is in other Provinces. In the Bombay Presidency I have come into contact with hundreds and thousands of Civilians, and they cannot talk the language except in a few instances ; and with those exceptions they cannot carry on a conversation with the people. The acquiring of the language is the greatest obstacle. The Englishman has a certain insular disposition. He will not thrust himself upon the people. There are, however, opportunities for acquiring an intimate knowledge of the people in the course of his training, but it is this want of knowledge of the language of the people which handicaps him so much.

Then I may take it from your answer that you disagree with the Chief Justices and other Judges who have been examined hitherto, who have said that the earlier years which a Civilian spends in this way are of great use to him?—Many of the Chief Justices would have no knowledge about this matter. They are mostly English Barristers imported from England.

I suggest that the Chief Justices have some knowledge of the work done by subordinates ?—They have no personal knowledge at all.

Have they not opportunities of judging of the work done by the District Judges ?—They have no knowledge of how they mix with the people.

Have they no opportunities of judging of the Judicial work done by the Judges ? Certainly. Sir Charles Sargent, who was one of our great Chief Justices giving his examination before the last Commission, distinctly averred that the English District Judges were inferior, in the appreciation of evidence, to the Indian Judges. You will find it on the records of the last Commission. Sir Charles Sargent was a most dispassionate authority.

Am I to understand from that that the Indian Civilian must make a very bad Judge ?—In the appreciation of evidence he is very bad.

And, therefore, he cannot make a good Judge ?—He does not make a perfect Judge certainly.

In your opinion a Barrister will make a better Judge ?—A Barrister with a good deal of practice would make a better Judge.

Why do you still desire to recruit one-third of the Judicial Service from men who make such bad Judges?—Shall I answer frankly ? Because if I put forward a scheme which excluded Civilians altogether it would be pooh-poohed as impracticable.

The scheme which you formulate here is not the real scheme which you would like to see ?—It is not the ideal scheme which I should like to see. After all, in this world we must be practical. I thought the thing would be simply kicked out if I had put the other scheme.

The scheme you recommend would be recruitment from the Bar?—No, from the subordinate Judiciary and the Bar.

I understood you to say that your Subordinate Judiciary were recruited from the Bar?—If you call the Bar the Pleaders, I mean the Bar. The "Bar" here means, however, the Bar of the High Court. Popularly, when you speak of the Bar you mean the English and Indian barristers practising in the High Court. If you mean the Bar in the Judicial sense it is so.

EXAMINED BY MR. JUSTICE HEATON.*

You will admit that there is another side to this matter of civilians not acquiring the knowledge of the people and not being able to talk with them. There are many instances of other people whose opinions are quite to the contrary; and it is a well-known fact, or believed to be well-known, that civilians when they are out in the districts spend many hours of their time in conversation in the vernacular with local people of importance?—I have heard them very often talking in that way; but it has been very difficult both for them to make themselves understood in the vernacular and for the people whom they interviewed to understand them.

There is a considerable body of information to be found in the books on India written by Englishmen?—I suppose so. I cannot tell you generally; but if you refer me to any particular book I will tell you whether that information is accurate or not.

I will give you one instance. You know Sir James Campbell's compilations of Folklore and Spirit Beliefs. It is a collection of old stories and other things. Is not that a very valuable contribution to that particular subject?—I do not think so.

But there are other views?—I know that Englishmen entertain other views, I quite admit it, because they do not realize this drawback.

As to Sir Charles Sargent's opinion, again, there are opinions of Judges and others, who are in a position to have some knowledge of the matter, that English Judges are good Judges?—Sir Charles Sargent had a reputation for being a thoroughly impartial and dispassionate man; and his opinions, in consequence, carry great weight.

It is the weight of his opinion that you rely upon?—Yes. You know his reputation as well as I do.

I do indeed. I wish to have it on record that there are other opinions.—I suppose there are many such instances on the records of the last Public Service Commission.

And those we have had here on this Commission?—I have followed the reports in the public papers though I cannot say I have done so very carefully. I do not rely simply upon Sir Charles Sargent's expression of view. I am speaking also of my own personal knowledge and experience. I have practised in all the District Courts in the Presidency. I have appeared before Mamlatdars and Deputy Collectors and Collector-Magistrates and District and Sessions Judges. I have

* Appointed Commissioner *pro tempore* by the Local Government.

appeared before District Judges in all parts of the Presidency and therefore can speak on the matter. From Sir Charles Sargent's position his opinion ought to carry great weight.

Turning to your Memorandum, near the beginning where you say "Few Englishmen are capable of realizing how seriously and hopelessly English officials are, particularly in the higher administrative posts": are you there thinking more of Collectors and Judges, or are you also thinking of Members of Council?—Yes, I go up to Members of Council.

A considerable part of their business, after all, is not so much detail as general control and supervision?—No, not altogether. There are numbers of special matters which go before them in which details have to be considered.

But after all their principal function is general control and supervision, is it not, when you come to the higher posts?—I do not think so. On the contrary they have to deal with specific cases which involve the consideration of a large number of details.

Who would you say lays down the policy of the administration?—The main lines of policy, as I have said, are laid down by the House of Commons and the Secretary of State. There is a perpetual reference from the Local Government to the Government of India and the Secretary of State. They do not move one step without having obtained the opinion, in the first instance, of the Government of India, and then, ultimately, of the Secretary of State. Therefore, there is considerable delay in disposing of matters: so that the lines are laid down by the authorities there, the Secretary of State being responsible to Parliament.

There is considerable adaptation of that general policy to local circumstances by the Local Government?—Yes; and that is where the opportunity of going wrong comes in.

And where they seize their opportunity?—Yes.

If we had Indians who were Members of Council and controlled the Local Government we really should be better off?—Yes, I think so.

Turning to the question of Revenue administration, which is largely not on English lines, after all a great many of the cases which are instituted in the Civil Courts are mere matters of taxation, are they not?—Of assessment and collection of state share of land revenue, not of taxation.

Do you not include that in taxation?- No, there is a distinct line between them, assessment and the collection of revenue and taxation.

Do you think that a ryot ought to be able to go to the Civil Court to have it determined whether he is liable to pay at the rate of Re. 1 an acre or Re. 1-8 an acre?—I do not say that it would be to his advantage to go to the Civil Court. But I do say that it would be to his advantage, and to his satisfaction and contentment, that there should be a special tribunal for the purpose of dealing with these cases. Instead of combining the two functions in one and the same person you ought to have a special Court. I believe they have a special Court in Ireland to deal with land

matters. I think there ought to be some Court of that kind to decide questions between the Government on the one part and the ryot on the other.

But would you allow the ryot to go to the Court before a special tribunal upon this question as to whether he was to pay Re. 1 or Re. 1-8?—You are putting it in that way, but it involves a very much larger sum than that of Re. 1-8. It means a perpetual increase of assessment for thirty years, and in the end it comes to a larger amount than is realized by the circumstance of there being Re. 1 or Re. 1-8 increase in two years. It means a thing that will be a loss to him for thirty years.

Is that the type of question which you think ought to be allowed to come before such tribunal?—It is one of the questions which should be relegated to that tribunal. You know how much depends upon the way fields are classified and the way in which the assessment is arranged. It has been pointed out that Executive officers could do a good deal of mischief to the ryots in consequence of the way in which they set about the work of assessment through classification and the other various stages, through which the business has to go. If the ryot objects it is hopeless for him to appeal. He goes to the Commissioner, and then before Government, and they settle it and he has to submit. It is a question of thirty years. It is not a question of a rupee or a rupee and a half.

You may have an enormous number of cases?—No. After a Tribunal of that sort settles the lines upon which their decisions should be based, I think the number would decrease very largely. The number of cases might be large when the Court is first established; but I have always found that when a Court is established for particular purposes, and when it has given a certain number of decisions and settled the principles upon which those decisions shall be given, the number of cases decrease.

With regard to the question of the civilians not liking the old style of paternal Government better, is not the recent view of that question rather this, that a great many of them do think there has been excessive legislation? It is not that they do not approve of legislation, but that they think it has been carried too far: is not that the case?—No. They go in for a good lot to secure executive freedom and irresponsibility, but they cry out against overlegislation, when it is apt to control them.

You think they are free from that particular defect now. You pointed that out and quoted from Sir James FitzJames Stephen?—I say that is still the view, particularly that thing which Sir James FitzJames points out, that all civilian officers consider lawyers as their natural enemies. I have realized that over and over again in the course of my practice; they consider you as their natural enemy, and as persons to be avoided.

I thought you meant that laws were their natural enemies?—Laws as well as Lawyers, are their natural enemies.

I am dealing with laws?—The quotation gives lawyers too.

I was thinking of the law?—You asked me whether there is not overlegislation sometimes.

I asked you whether the objection to lawyers in themselves has not now gone by altogether?—No. If you read the Anglo-Indian press you will find that it has been perpetually dinned into our ears. Within the last few years the cry has gone up from them that rules of evidence must be done away with, as they hamper them in the carrying out of justice, and that they must be allowed to do justice in the rough and ready manner in which the old Oriental despots had the power of doing it.

It is not the view I have been brought up to, and I thought that view had passed away?—I say that it is the conviction and belief of a large number of Anglo-Indian officials.

At this moment?—Yes, at the present moment.

A little further down in your Memorandum you say "There would be no equality, unless the facilities and opportunities were equal in the case of Indians as that of Englishmen." Would the opportunity be equal unless the competitive examination were adapted so as to offer the same facilities to Indian students as to English students?—I do not quite understand your question.

Supposing, the examination were left on the same lines as those upon which it is now conducted and were made a simultaneous examination, would it give equal opportunities?—To a very large extent.

To a sufficient extent?—Yes, for the purpose of satisfying the feelings and sentiments of the people on this subject. Of course, there would be agitation afterwards to amend and alter things, as in human things there always will be; but for the present it would be a source of great satisfaction and content.

I see that you attach very particular importance to the powers of appreciating evidence, which only come from legal practice in legal tribunals?—I attach very great weight to it.

It is a very curious comment upon our English system where we leave facts to be determined by juries?—Under the guidance of the Judge.

If they choose to take it?—But you combine a number of people of common sense, and they are bound to take it; and you know, as a matter of fact, that they do. You must have known in your own summings-up how juries have absolutely gone according to the direction.

The great safeguard of the jury system in England is supposed to be that they go their own way, and that they do not necessarily rely upon the summing-up of the Judge?—In very isolated cases. But you know that it is said that in civil cases the system of trial by jury should be done away with.

Your view remains that the legal practitioner is a better judge of evidence by reason of his legal practice and that he is, in fact, the best Judge?—I cannot imagine any Judicial officer discharging his duties satisfactorily unless he had that power of appreciation which can only be acquired by legal practice.

Do you know anything about the legal tribunals in France and Germany?—Yes, I have read a good deal about them.

Where the Bench is absolutely dissociated from the Bar?—Yes: it is a separate class altogether: the system there is so different.

But if it is a successful system, it shows that it may be tried?--I am not competent to say whether it is a successful system. I have read a good deal about its defects, principally, the cross-examination of the whole of a man's life.

With regard to the question of the separation of the Executive and the Judicial, if you give Judicial powers to Subordinate Judges it would involve an increase in their number?--No. That is what I tried to point out in the scheme* which I laid before the Legislative Council in 1893.

But supposing, on examination, it was found that it did involve a considerable increase in the number of Subordinate Judges, and that it involved very large addition of expenditure?—Even then I would go in for it. As was pointed out in the petition on the subject to the Secretary of State which was presented to the Secretary of State by a large number of the most distinguished Judges in 1899. It was signed by Lord Hobhouse who had been Legal Member of Council and who was afterwards a Member of the Privy Council, by Sir Charles Sargent, Mr. Justice Phear, Mr. Justice Garth and a lot of distinguished Judges who had served in India, Sir Wm. Markby, Sir Richard Couch, etc.

Were any Bombay cases referred to in that memorandum?—The schedule consisted mostly of cases which had been gathered together by Mr. Manmohan Ghose; therefore they were largely Bengal cases. We collected at one time a large number of cases in the Bombay Presidency: and in the Provincial Conferences which were held in different parts of this Presidency all these cases were brought out.

They were largely Salt Act cases?—Do you not remember the case of that poor woman, who was punished, because she scraped a little earth which was supposed to contain salt and used it in her food?

Would that happen now?—I hope not.

Do you think there has been an improvement in recent years in that matter? Do you think that Magistrates now exercise more independence and act more upon their own responsibility than they did?—If you put the question to me, I say, no, they do not act more independently or on their own responsibility. You will find numbers of cases arising in which they absolutely follow the wishes of their superior officers.

That is your opinion?—Yes, that is my view still.

EXAMINED BY MR. JOGLEKAR.†

You said that if simultaneous examinations were instituted the officers of the Executive branch would be deprived of the chance of rising to listed posts?—Yes.

Would it not be a grave injustice to some of the best men in the Service? How would you meet that difficulty?—By some provisional arrangement, as when you frame a law you have to draft provisional sections to meet the actual state of things. I quite agree with the view that great hardships may be done to people. Transitory arrangements ought to be made for them.

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* See page 61.

† Appointed Commissioner *pro tempore* by the Local Government

But in the case of the judicial line, you are willing to give one-third of the listed posts to officers in the Provincial Civil Service?—I divided the whole of the Judicial Department into three parts.

One-third to the officers of the Judicial branch?—Yes.

Would you not give a similar number of posts to officers of the Executive branch in their own line?—No, because they do not begin with the same qualifications. In the other case you guarantee certain qualifications, which is not the case with members of the Provincial Executive Service.

Why do you think they are inferior qualifications?—Because they are not so well-educated. I know that sometimes there are B.A.'s chosen, but there are often cases in which they are not chosen. The B.A. is an inferior qualification to the B.A. and LL.B. which the subordinate judicial officers are required to fulfil.

You think that the LL.B. is a necessary addition to their educational qualifications?—Certainly, most decidedly.

Do you not think that the long experience of Deputy Collectors in administrative work is itself a better qualification for rising to a Collector's post than mere examination?—No; because it does not secure the same calibre of men.

In answer to one of the questions you have said that Deputy Collectors have hardly any legal training?—Very little.

Perhaps you know that they have to undergo a lower and higher standard of examination in criminal law, and they decide magisterial cases: is not that a training in law?—It is of a very circumscribed character. I have appeared before any number of Deputy Collectors who have tried criminal cases. We do not want to go into personal questions, but I could show you recent judgments which would surprise you.

If simultaneous examinations are not allowed, would you not retain, and even add to the present number of listed posts?—I refuse to contemplate such a situation. All my life I have been set upon simultaneous examination, and I have been convinced that there is no other solution possible except that of simultaneous examination. I refuse to contemplate it.

(The witness withdrew.)

ENTERTAINMENT TO MR. P. H. DASTUR.

ONE'S DUTY TO ONE'S COUNTRY.

Mr. Pheroze Hoshang Dastur who had lately retired from the position of the Second Presidency Magistrate, Bombay, was banqueted by the members of the Bombay Bar on 9th April 1913. The Hon. Sir Pherozeshah Mehta, who presided, in giving the toast of the guest of the evening, spoke as follows.

Ladies and Gentlemen,—I do not see what I can add to what has been said at several functions in the city regarding our guest. Mr. Dastur has been known to me for a very many years and our acquaintance dates back to a time when many of you present here to-night had not even seen the light of day. I first came across

this amiable gentleman at a place in the Kaira District which was twelve miles distant from the nearest railway station. And though I was promised that I would be put up in a palace, when I reached my destination after a long and tiresome journey, I was taken to a house which might have been a palace, a century ago, but which then had not a single pane of glass in its numerous windows. (Laughter.) I sent my boy to get me a cup of tea but he returned with a number of pots as green as green could be, and in which it was obviously impossible to take the risk of preparing tea. (Laughter.) I had thus to go to the Court without my breakfast but I had my consolation in the fact that when I reached the Court, I saw a young, handsome and vivacious man sitting on the bench and treating the parties that came before him in an impartial and strictly judicious manner. That stern dispenser of justice, gentlemen, was no other than the guest of the evening. It was there that I gained my first experience of the sober, prudent and practical manner in which he always did his work—(Loud applause)—and I was greatly impressed by the remarkable ability with which he tried that case.

Another occasion on which I met Mr. Dastur was in those days when he was appointed to conduct an inquiry into the heavy bribery charges brought against a high revenue official. The inquiry was held at a place called Sadra, and being engaged in the case, I was promised that I would be put up in a new house. But when I reached the place to defend my client, I found that it *was* a new house—it was unfinished. Mr. Dastur, however, on hearing of my difficulties, like a good Samaritan, came to my rescue and had me put up in a more decent habitation. I was much struck, I assure you, gentlemen, with the way in which Mr. Dastur handled this most complicated case. He framed three charges against my client whom, I am glad to say, I eventually got off. (Laughter and applause.) These were the two occasions when I first came across Mr. Dastur and I was much impressed with the sobriety of judgment, the sense of justice and the worldly knowledge which he brought to bear upon every case that came before him. And these characteristics to which must be added his courteous manner, were the distinguishing features of his whole judicial career. We all wish him now every happiness and prosperity and though he has retired from Government service, there is another service open for him—a more distinguished one—I mean the public service which knows no retirement. (Loud applause.) In spite of his white beard, Mr. Dastur is a young man—at any rate he is endowed with youthful energies—and I hope he will gird up his loins to serve the public with his remarkable abilities and matured judgment. I may assure him and all of you, gentlemen, that there is no greater reward than the conscious satisfaction one feels at having done something for one's country to which one owes so much and however little he might be able to do, he has the proud consolation of realising that he has done his share of the great and arduous work which still remains to be done for the progress, the enlightenment and the amelioration of his motherland. (Loud cheers.)

Ladies and gentlemen, I have now to ask you to drink to the good health and prosperity of our guest Mr. Dastur.

BOMBAY LEGISLATIVE COUNCIL.

WELCOME TO LORD WILLINGDON.

At the Meeting of the Bombay Legislative Council held at Poona on 28th July 1913, H. E. Lord Willingdon, the new Governor of Bombay, addressing the honourable members before the commencement of the business, said that on that the first occasion that he had the honour to preside over the important deliberations of the Council, he should like to extend a warm and cordial greeting to all members of that assembly. The Hon. Sir Pherozeshah, in reply, said :—

May it please Your Excellency,—Before Your Lordship opens the proceedings of this Meeting, I am desired by my honourable colleagues of this Council to tender to you in return a most respectful but warm and cordial welcome on this occasion when you first preside over this Council. My Lord, only a short time has elapsed since your arrival in this country, but even that short time has enabled us to see that we are fortunate in securing for the head of this administration a statesman of large sympathies and liberal principles, trained in the great school of public and parliamentary life of England. My Lord, we may be permitted to pray that you may have health and strength to carry on the arduous and responsible duties of your high office, and I may also be permitted in that prayer to associate the name of Lady Willingdon, who has already shown how keen an interest she takes in all public institutions and places in this Presidency carrying with her, as people already say, brightness and sunshine wherever she goes.

BOMBAY LEGISLATIVE COUNCIL.

THE BOMBAY BUDGET OF 1913-1914.

At the Meeting of the Bombay Legislative Council held at Poona on 28th July 1913, H. E. the Governor Lord Willingdon presiding, the Hon. Sir Richard Lamb introduced the Budget of the Government of Bombay for the year 1913-14. The discussion on it continued till the next day when the Hon. Sir Pherozeshah made the following speech.

May it please Your Excellency,—I have been ploughing the sands of the Financial Budget for the last twenty years, and I thought that I would give myself a rest on this occasion, but I have been so touched by the evident distress and disappointment of my honourable friend Mr. Sharp at no one attacking or finding fault with him or his department, that I cannot resist the temptation of saying a few words on one or two subjects in which he is more interested than any other member of this Council. I will tell the Council, however, the reason why I specially did not intend to speak on this occasion. My Lord, we, in Legislative Council on this great Budget debate, feel as if we were performers in the what I may call an "obstacle race" with hands and feet tied in sacks and told to move as rapidly as possible to reach the goal

within the fixed limit of twenty minutes. Now that is not a very stimulating procedure for one to induce him to go and make speeches. Upon what? Upon the numerous heads of the Financial Budget. There was a time before the new reforms were introduced when the general discussion of the Budget was one of those occasions on which the members were entitled to have their say to any extent they liked. Even at the present moment, even after the reform scheme was introduced in the Viceroy's Council, they allow themselves the liberty, on the occasion of the general discussion of the Budget, of speaking on this particular day on all subjects of general interest. I will read out to Your Lordship a sentence from the speech of the late Finance Minister, Sir Guy Fleetwood Wilson, made only in March last, to show what is the practice even up to the present moment in the Viceroy's Council. (Reads). So that even up to the present day in the Viceroy's Council on the general Budget discussion day, members are allowed the opportunity of speaking on matters of general interest. But we have become more strict in this Council, and we have to prepare our speeches, if we do make them, and have rehearsals at home to be able to repeat them within the limit of twenty minutes so as not to be pulled up before we have finished. I implore Your Lordship to consider this question on some future occasion for this reason. There are numerous heads, I quite admit, but every member of this Council is not expected to speak upon all the heads. But say, for instance, I desire to speak on about four, General Administration, Education, Police,—which is a very important subject,—and Law and Justice. Even if I picked out only those four I should have five minutes on each of these subjects. It is impossible to compress what we might have got to say on these within five minutes for each. And then the honourable members of Your Lordship's Executive Council sweep down upon us at the end of the debate and twit us with the imperfections and inconclusiveness of our arguments.

My Lord, I appeal to Your Lordship to consider whether the time might not be extended, or no limit fixed on an occasion like this, because Your Lordship will find that the Rule to which my honourable friend Sir Richard Lamb has referred, does not compel Your Lordship to affix a limit at all. It is a discretion entirely in Your Lordship's hands, and you may do it "if you think fit." I believe it is Rule 30 at page 47. (Reads.)

My Lord, if I had a longer lease of life and not be living perpetually in fear of the guillotine falling upon my neck, I should have preferred to examine the matters in which my honourable friend Mr. Sharp is so interested, and want of discussion of which has disappointed him so considerably. I should have liked to point out that though there is a considerable amount of progress in the extension of new primary schools, that is due, in the first place, to the action of the Government of India which has forced the pace of the Education Department in that respect. But even with that I regret, though I do not say that new schools have not been opened, that the old system of programmes about which we fought in this Council in 1911 under the inspiration of my late lamented friend Rao Bahadur Joshi is not yet strictly adhered to.

My honourable friend Sir Richard Lamb has been good enough to furnish me with information on this point, and even in the last two years, when there have been large donations given by the Government of India, the number of schools opened in 1911-1912 was 312; in 1912-1913, 387. I am not in favour of the immediate introduction of free and compulsory education, but, as I said in Council before, I do maintain that, if we are not to have free and compulsory education, we must have a steady programme for the extension of the schools, which should not be less than 500 a year, and I hope my honourable friend will see his way, under the driving pressure of the enormous sums which have been showered upon his Department, to make out a programme under which we can increase Primary Schools to the extent of 500 a year at least. Of course, I know the familiar argument about the want of teachers, that we cannot supply trained teachers for a long time to come for all the schools which may be brought into existence, but surely we are not going to wait for the extension of the schools till we have a sufficient supply of trained teachers who would be required for the large increase in the number of schools which must take place.

Then, My Lord, if I had a longer limit I should have said something about Secondary Education. The Director's last Quinquennial Report is a very interesting one on that subject, and I should have liked to point out that, while we are talking very loudly but loosely of the weakness of Secondary Schools, while my friend Mr. Sharp has now got into the habit,—though he formerly was not inclined that way,—of saying that the condition of the Secondary Schools, is due to the fact that the Matriculation Examination has dominated them, if you examine the causes, you will find that what I have been contending, not only in this Council but in the University debates on this subject, is that you will never improve your Secondary Schools to the extent you require them to do until you follow the German system of raising the status, the emoluments and the privileges of the teachers of those schools. If I had time, I should have referred to a Book on 'German Higher Schools' by an American, Professor Russel, in which he points out that when we are all talking of the excellence of the German Schools, the reason is to a large extent that the Germans have realised that they must elevate the status and prospects of their teachers before they can expect to raise the status of the Secondary Schools. That is a point really which ought to be considered. You have got large grants. Now I know some effort has been made to increase the salaries of the Assistant Teachers, but I say it is nothing like what we should have. You must increase the status of the teachers before you can expect what you want from your Secondary Schools.

Then, My Lord, I should have also liked, if I had time, to refer to one or two points made in the Quinquennial Report about University Education. Large grants have been made by the Government of India to the University, three lacs non-recurring amount and forty thousand rupees recurring amount, but even there, I venture to say, that the new rules which have been introduced are likely to prove a stumbling

block in the way of future progress. In this Report the Director of Public Instruction,—I think it was Mr. Prior and not Mr. Sharp,—has pointed out that one of the reforms which has been initiated is likely to do more mischief than good, because he points out, quoting what the Principal of the Elphinstone College, Mr. Covernton, says in his Report, that there is considerable danger that the B. A. degree will in future degenerate, and that the graduate will emerge no longer with a general smattering of four subjects, but with an equally general smattering of two subjects and a superficial knowledge of English. That is one of the great faults for which we have been opposing so much the reduction of the subjects in the B. A. course, while Your Lordship will find that, instead of raising the status of the degree, it is admitted even by a gentleman who was strongly in favour of that reform, who now comes forward and distinctly says it is more likely to deteriorate the status of that degree than to raise it.

My Lord, while I am on that part of the Report, I should like to draw Your Lordship's attention to a remark made by the Director of Public Instruction in which he says. (Reads).

My Lord, I venture to say, it is not Mr. Sharp who is responsible for this, but I contend that these remarks are not worthy of a State Document like the Quinquennial Report of the Department of Public Instruction in this Presidency. We fought against some of the reforms proposed, we readily agreed to many of them but all throughout we were actuated absolutely by the honest determination to maintain and advance the best interests of Higher Education in this Presidency. I will not cast any reflection even on the side opposed to us, but I repeat that the Report, instead of attacking one side, should have recognised the honesty and purity of the motives actuating both. With regard to this, we failed, but I am very glad indeed that we were successful in defeating one of the most important of the proposed changes, *viz.*, the abolition of the Matriculation Examination. The greatest struggle the University had to wage has been in connection with the abolition of the Matriculation Examination. Even the University Commission had recommended that the Matriculation Examination must be preserved, and, in spite of all the attempts to abolish it, I am glad to be able to say that our opposition in that matter has been successful even in an officialised Senate consisting as it does of a large majority of fellows appointed by Government themselves, *viz.*, eighty out of a hundred. In this way I could have, perhaps usefully, perhaps not, occupied the time of the Council by alluding to and placing my arguments and contentions on these subjects at some length before the Council, but it cannot be done within twenty minutes.

I should have very much liked to say a few words on the Resolution which has been recently issued on the subject of Moral Instruction. I congratulate my honourable friend Mr. Hill, who announced it some time ago, upon the wisdom and caution he has shown on that report. It is full of sounding statements, but it is widely recognised that direct Moral Instruction cannot be carried on in the manner in which it has been some time proposed, and the whole result of that very important

Press-note is that teachers might give moral instruction for about ten minutes in a week. I congratulate my honourable friend, Mr. Hill, upon the practical wisdom he has thus shown in recognising the great desirability of treating this matter in a careful and cautious way. I saw Mr. Gould when he gave his Demonstration Lecture in England, to which Mr. Enthoven refers. I was present at that meeting, and I saw at once that in the hands of ordinary teachers, nothing could be more unsafe and mischievous than the giving of direct moral instruction. I am glad to say that Government have recognised the difficulties of this question and have dealt with it in a cautious and wise manner, and I venture to say, as I said before,—I do not know if I have approached the limit within which my head must fall under the guillotine of twenty minutes' limit,—I will not trespass upon Your Lordship's patience any further, but only again appeal that Your Lordship will on a future occasion reconsider whether on this particular day, the only day which we have for the purpose of discussing questions of general interest and general financial policy, a larger time-limit might not be allowed to honourable members, or might not be altogether omitted.

BOMBAY LEGISLATIVE COUNCIL.

REDUCTION OF INTEREST ON TAGAI LOANS.

At the Meeting of the Bombay Legislative Council held at Poona on 30th July 1913, the Hon. Mr K. R. Godbole moved the following Resolution:—"That this Council recommends that H. E. the Governor in Council will be pleased to re-consider the question of interest charged on tagai loans to agriculturists and reduce the same from 6¼ to 4½ per cent per annum in the case of loans granted under the Government of India Land Improvement Loan's Act (Act XIX of 1883)." The Hon. Sir Pherozeshah spoke as follows after several honourable members having made observations on this Resolution.

Your Excellency,—With regard to what has fallen from my honourable friend Mr. Orr, it seems to me that he has been walking round the question instead of going at it straight. One argument that he advanced which has been advanced in this Council on a previous occasion, to which my honourable friend Mr. Lalubhai has made reference, is that the charge of 6¼ per cent. comes to one anna in the rupee, and that the *rayat* likes such a very simple thing in accounts. The *rayat* is a more shrewd and sagacious person than many people imagine and he would be as ready as other people to sacrifice facility and simplicity of calculation, if he could secure a lower rate of interest. My friend Mr. Orr shakes his head, but, after all, human nature is the same everywhere, whether in Mr. Orr or in the poor *rayat* it is the same.

Then another argument which he put forward is that the rate of interest charged is a very moderate one compared to what Marwaris or *sowcars* charge for giving loans. That is perfectly true, but, My Lord, I venture to ask, is that a ground for Government to charge a high rate of interest or a similar rate on *tagavi* advances? I venture to say that Government in making *tagavi* advances is not

discharging the functions of a sowcar or a Marwari. If Government were making these advances as such, then the argument brought forward that they as bankers are charging a very much lower rate of interest than others, would have some relevance. But that is not a position which, I venture to say, Government could take in matters of this character. *Tagavi* advances are not made for that purpose, but for the purpose of conducing, as far as possible, to the welfare of the agricultural population which occupies so extensive a position in this country.

Then, Your Excellency, I should like to take exception to two remarks made, one by the Hon. Mr. Godbole, and the other by the Hon. Mr. Carmichael. Mr. Godbole said,—I was surprised that a careful student of these matters as he is, should have made the remark,—that Government occupies the position of sole landlord, and that these *rayats* are tenants to whom they leased out lands on certain terms. I admit that recent legislation has been in that direction, but, as has been pointed out over and over again, that is not the position which the State occupies with regard to land revenue in this country. It was pointed out during the last debate on the Land Revenue Code Amendment Bill in 1901 that the State is a sharer in the produce; it is not the sole landlord, but a sharer in the produce, and I hope that the Hon. Mr. Godbole will not again repeat such a statement before the Council on any future occasion

Then, My Lord, I was surprised to hear my honourable friend Mr. Carmichael trotting out, for the second time in this Council, his great objection founded on the interests of the general tax-payer. On a former occasion when the Land Revenue Amendment Bill was under consideration, he also brought forward that argument, that you must take care of the interests of the general tax-payer, that he must not be made to suffer on account of any relief which might be given to the agricultural *rayat*. My Lord, if we examine the question properly, what does it come to? Is he interested in it? How does the general tax-payer really suffer in the matter? The State raises an enormous proportion of its income from the revenue on land. Call it rent, call it revenue, call it tax—there are different opinions on that subject—but it raises an enormous amount of income from that source, and is it not right that, in doing so, it should look to the advancement and welfare of the population from whom it raises its income, by giving it all the facilities for the purpose of cultivating the lands in such a manner that it may be easy for the *rayat*, and not heavy for him, to pay the Government a share of the produce which is demanded in an increasing degree, settlement after settlement? I say the question of the interest of the general tax-payer does not come in at all. When you look at the question from the point of view of land revenue, what are the mutual obligations and functions which the State, as a sharer of the produce and the *rayat*, who raises the produce, have to adjust between themselves? If you look at it from that point of view, you will find that the real question involved in this matter is not simplification of accounts, it is not the interest of the general tax-payer, it is not whether the rate charged is a moderate one, it is not that one anna in the rupee is such a simple thing for the *rayat* that he

would like to pay more interest on that account, but the real point is: Does the State by the rate of interest it charges make any profit on its advances? It seems to me that it is a simple question that has been raised by the Hon. Mr. Godbole: Does the State really make any profit on the advances which it makes at the rate of interest it charges? And I think if you examine the figures for the last 10 years—they were placed before the Council on a former occasion, they included full famine years and several lean years (you may exclude those lean years which really do not deserve to be included in matters of this character)—and if you take into account the subsequent normal years, I think it will be found that Mr. Godbole's calculation is perfectly correct, that 6¼ per cent. will leave a profit to the State, and I venture to maintain that this Council, instead of having the figures examined by a small committee, as suggested by my honourable friend Mr. Lalubhai, should hold that the State ought not to charge such a rate as will enable it to make any profit from the rate it charges. That is the simple question, no question of moderate interest, no question of simplification of accounts, nor a question of the interest of the general tax-payer as trotted out on a former occasion.

I should like to mention in regard to what fell from my honourable friend Mr. Carmichael that Sir John Muir Mackenzie, who was then Finance Member, put it on another ground altogether, which was different from the one put forward by the Hon. Mr. Carmichael and it was this. He says: (Reads.) When he was a member of the Irrigation Commission, he held that view, but subsequently says: (Reads.) That is to say, to put it briefly, he says: "The second reason which carried weight with them was that the charge of the higher rate would enable them to show more elasticity in collection," and what he meant by that he explains further on. He says: "I remember in his wise administration Sir Denzil Ibbetson* saying more than once that in *tagavi* he would like to see some more bad debts and that the whole object of raising the rate of interest was to produce some more bad debts." Well, that is an argument which is not very easy to accept. On the contrary, Government has always, as far as possible, strictly collected the *tagavi* advances, and we must remember that, in recovering *tagavi* advances, Government occupy a far superior position than the sowcar. *Tagavi* advances can be recovered as rigidly as the land revenue and before it is possible for any other creditor who has advanced money to do so. It must be remembered that that places it in a position to charge very much less interest than the ordinary sowcars and Marwaris, who are not only postponed to the demands of Government, but have no such means to recover their loans and that all the arguments which have been put forward for the purpose of justifying the high rate of interest are decidedly beside the point altogether. The only point the Council has to remember is whether the rate of interest is so high that it leaves a margin of profit to the State, and it seems to me that if that is so, the State is bound to reduce the rate of interest which it charges on the *tagavi* advances.

The Hon. Mr. Godbole withdrew his Resolution on the understanding that Government would lay on the table a Statement showing the expenditure on Tagavi establishments,

* Lieutenant-Governor of the Punjab.

and also the remissions on irrecoverable loans written off and also the interest realised, and thereby deducing the net gain or net loss, distinguishing as far as possible between the transactions under the Land Improvement Act and the transactions under the Agriculturists' Loans Act.

BOMBAY LEGISLATIVE COUNCIL.

ALTERATION OR AMENDMENT OF THE CONSTITUTION OF THE ELECTORATES.

At the Meeting of the Bombay Legislative Council held at Poona on 30th July 1913, the Hon. Sir Ibrahim Rahimtoola moved the following Resolution :—

That the Governor in Council be requested to appoint a Committee to consider and report whether any alteration or amendment is desirable in the constitution of the electorates formed for the election of members of this Council and published in the Schedules annexed to the regulations, and that the report made by the Committee be published and laid on the table of this Council.

Several honourable members having addressed the Council on the above Resolution, the Hon. Sir Pherozeshah said :—

Mr. President,—I am surprised that my honourable friends Sir Ibrahim and Mr. Pranjpye should have committed one cardinal blunder,—Sir Ibrahim in bringing forward this Proposition, and Mr. Pranjpye in supporting it. They are both nominated members. They, I may venture to say, look at this question from a somewhat detached and disinterested point of view. I cast no reflection on them when I say that they look at this question comparatively from a disinterested point of view. But, surely, they ought not to have forgotten that, human nature being what it is, they could scarcely expect to find support for their proposition from among the large majority of the elected members of this Council. ("Hear, hear.") Four of them are elected by Municipalities under the present perfect *régime.* Did Sir Ibrahim really expect that those gentlemen would come forward and find fault with the system under which they themselves came into this Council? ("Hear, hear.")

Now take my friends of the Local Boards. They also come in under what they must naturally consider—I cast no reflection upon them—the perfect system, which has led reasonable people, sensible people, to send them as their representatives. I quite understand the tone of injured excitement, Sir, of the Hon. Mr. Harchandrai who spoke on this matter. I place myself in the same category, but being accustomed by long experience to look at things from different points of view, I have not the same keen feelings as my friend. He was elected by the Sind Municipalities. Surely, he would not want to make any change in so wise and sensible a constituency. He must have been elected by a majority of voters and surely he is bound to be grateful for such sensible discrimination.

Now with regard to the Chamber of Commerce, we saw the Hon. Mr. Graham rising up and gravely asking for an assurance that his Chamber will not be meddled with. Who can give him such an assurance? Not Sir Ibrahim, nor anyone in this Council. That could only depend on the deliberations of the proposed Committee. *En passant*, might I ask my honourable friend Mr. Graham, why his and other similar Chambers are styled popularly in the Press and elsewhere European Chambers of Commerce? If I mistake not, if my knowledge of Bombay affairs is not growing imperfect, there are Indian members on the Bombay Chamber at least. I see my friend behind me, one of the Karachi Chamber of Commerce. I do not know what the rule there is. Why do you call yourselves European Chambers of Commerce?

The Hon. Mr. Nicholas :—We don't.

The Hon. Sir Pherozeshah :—I will show you a hundred descriptions.

My honourable friend Mr. Manmohandas Ramji equally scouted the idea of any alteration being made in the system with which he has every reason to be satisfied. I cast no reflection upon them, Mr. President, and it is perfectly natural that they should consider that the representatives elected by the general bodies under the present system to this Council do their work in a most perfect manner. I therefore think that my honourable friend who is a shrewd student of human nature, has, once in a way, made a mistake in imagining that people who naturally consider the system under which they are elected as perfect, would come round to his view and ask for a revision of that system. I cannot imagine how he could have made that blunder, and the only reason I can find is that he is a nominated member, and that he did not realise the feelings of elected members who consider that the system under which they were elected was a perfect one. I have no such illusions, Mr. Chairman. I would advise my honourable friend to quietly ask your permission to withdraw his Resolution. (Laughter.) He cannot possibly find support in this Council, and it seems to me useless to waste the time of the Council by pursuing a proposition of so impracticable a character. ("Hear, hear.")

The Resolution when put to the vote was lost, Sir Pherozeshah voting in favour of it.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

HARDSHIPS TO INDIAN COLONISTS.

A Public Meeting was held in Bombay on 6th September 1913 under the auspices of the Bombay Presidency Association, when resolutions urging the speedy inauguration of a scheme for the separation of Judicial and Executive functions were enthusiastically adopted. The Meeting also sent an appeal to the Viceroy, Lord Hardinge, to interfere on behalf of the Indian Colonists in South Africa and Canada. The Hon. Sir Pherozeshah Mehta, who presided, made the following speech.

Ladies and Gentlemen,--In opening the proceedings of this Meeting as President of the Bombay Presidency Association which has convened it, I do not propose to follow the bad example of some chairmen who take the wind out of the sails of those who are to follow them and who have to deal specifically with the resolutions which are to be placed before the meeting. I will only content myself by offering a few remarks on the two propositions with which you will have to deal later on.

Gentlemen, in the two remarkable speeches made by the late Finance Minister, Sir Guy Fleetwood Wilson (Cheers), he exhorted us to bear in mind the extremely conservative and practical character of the English people and he told us to exercise a great amount—an infinite amount—of patience in dealing with them. Gentlemen, that was the advice to which we cordially gave our acceptance: at the same time, it has to be remembered that even patience is a quality that has its limitations and that even saints and angels have not an inexhaustible quantity of that great virtue. (Laughter and "hear, hear."). Gentlemen, I make these remarks with reference to the patience which we have exercised, year after year for over a century, in our hopes in regard to the reform about the separation of the judicial from the executive functions. (Cheers.) Gentlemen, there is a body that styles itself the Anglo-Indian or European —I am not quite sure, (Laughter), exactly which, (Further laughter),—because they have been chopping and changing their appellation—(Renewed laughter)—recently very often,—(Continued laughter) -there is a body calling itself the European or Anglo-Indian Defence Association. I should have thought that a more apt epithet would have been—"The Anglo-Indian Aggressive Association." (Laughter and "hear, hear.") It has told the Government of India that the demand for the separation policy is not founded upon merits and is not supported by any practical scheme. I am afraid, gentlemen, the Association must have been made up of Rip Van Winkles —(Great laughter) - not only twenty years old, but a hundred years old—(Roars of laughter),—because this question of the separation of judicial and executive functions dates from the time of Lord Cornwallis in 1793, and it has been going on up to the present day. Gentlemen, this subject, after being dealt with by so great a Viceroy as Lord Cornwallis, was taken up by eminent Anglo-Indian officials themselves, and, ever since the foundation of the Congress, it has put forward its appeals to the Government of India as well as to the Secretary of State to carry out the reform which is absolutely needed in the interests of the honest and proper administration of justice in this country. ("Hear, hear.") Gentlemen, I will not weary you with the history of this question, but will call your attention only to one incident in connection with it to show how thoroughly the question has been discussed and how implicitly and absolutely the necessity of such a reform has been acknowledged by some of the most eminent judges who have presided over High Courts, not only of this Presidency but the whole of India. Let me remind you—I feel sure, gentlemen, most of you are acquainted with the history of this question—that in 1886, Lord Dufferin, who had no particular affection for proposals which had been put forward by the Indian National Congress, when he read the proposal of this separation of the executive from judicial functions, emphatically admitted that it was a "counsel of perfection."

(Cheers.) In 1889 a closely reasoned petition was presented to the Secretary of State, which was signed by the gentlemen whose names I will read, for they are not many, but they are names whose authority cannot be questioned. ("Hear, hear.") The names are:—

THE RT. HON. LORD HOBHOUSE, K. C. S. I.,

(*Late Legal Member of the Viceroy's Council, Member of the Judicial Committee of the Privy Council*).

THE RT. HON. SIR RICHARD GARTH, Q. C.,

(*Late Chief Justice of Bengal*).

THE RT. HON. SIR RICHARD COUCH,

(*Late Chief Justice of Bengal, Member of the Judicial Committee of the Privy Council*).

SIR CHARLES SARGENT,

(*Late Chief Justice of Bombay*).

SIR WILLIAM MARKBY, K. C. I. E.,

(*Late Judge of the High Court, Calcutta*).

SIR JOHN BUDD PHEAR,

(*Late Judge of the High Court, Calcutta, and Chief Justice of Ceylon.*)

SIR JOHN SCOTT, K. C. M. G.,

(*Late Judge of the High Court, Bombay*).

SIR WILLIAM WEDDERBURN, BART., M. P.,

(*Late Reader in Indian Law at the University of Cambridge*).

SIR HERBERT J. REYNOLDS, C. S. I.,

(*Late Member of the Bengal Legislative Council*).

(Loud cheers).

Now, gentlemen, is there any cause which cannot be considered thoroughly well-established on its merits, which has been endorsed by men like these? Take only the names of the two Chief Justices of the Bombay High Court—Sir Richard Couch and Sir Charles Sargent—who were level-headed men, men not given to be impassioned in any of their views, and men who had acquiesced in a petition of this character only after they were convinced—dispassionately convinced—that the reform was one which the condition of the country absolutely required. (Cheers.) Gentlemen, it has been urged by the Anglo-Indian Defence Association that no scheme has been put forward for the practical working of this reform. That, gentlemen, we have done from time to time. I remember my dear lamented friend Mr. Romesh Chunder Dutt—(Cheers)—had prepared an elaborate scheme in connection with the Presidency of Bengal. I myself, in a humble way, had brought this matter before the Legislative Council of this Presidency in 1894, showing how the scheme could be worked in actual practice. (Cheers). I ventured to go further and pointed out that the only objection

which had been taken to the carrying out of the reform by all the Secretaries of State and Under-Secretaries of State, who had dealt with it, although they had admitted it was a reform which was necessary to be carried out, was on the score of expense. But I pointed out in the Memorandum* which I prepared, that the reform could, in this Presidency, be carried out without any additional expenditure—("Hear, hear") —and still, gentlemen, we are time after time told that no practical scheme has been put forward. I have told you already that at first the only objection which was put forward was that it would be an expensive scheme, but when schemes were brought forward which showed that they would not entail any heavy additional expenditure, then, gentlemen, slowly and gradually came out another objection– (Laughter)—and that objection was the ground of prestige—(Renewed laughter)—the Anglo-Indian officials would be deprived of their magisterial and criminal powers with which they have to rule India. (Laughter). Gentlemen, a more fatuous objection was never put forward, for there are comprehensive powers which every Revenue Officer enjoys under numerous codes. There is the Revenue Code which gives him the power by which he can terrorise the whole population of every district in which he may be stationed, and yet they say "Oh, if you take away from us our criminal powers, our prestige would be gone,"—(Laughter)—and they say, gentlemen, "if our prestige be gone, how can peace and tranquility be preserved throughout the length and breadth of the land?" Gentlemen, we understand what they mean by raising the objection that their prestige would be gone; we know that once people have tasted power, they never will like to give it up! (Laughter.) And it is that which has prevented the Anglo-Indian official from seriously entertaining any solution of this question. But, gentlemen, a few years ago, Sir Harvey Adamson, in the Viceregal Legislative Council, solemnly promised that a tentative experiment would be made. He admitted the full merit of the policy. Well, gentlemen, we have been waiting for that tentative measure. (Laughter.) Not only has that not yet come but something wonderful has taken place. At the last sitting of the Viceroy's Legislative Council, the Home Member, Sir Reginald Craddock, when pressed upon this question, shuffled and hesitated. I am sorry to say that my friend from Madras, Mr. Vijay Ragava Chariar, who hackled him upon this question, was absolutely unable to get a straightforward answer from him as to whether he accepted the policy or whether he did not accept the policy. Gentlemen, the spectacle, which was presented on that occasion, was a unique one. The proposition in the Council received the support of every non-official member, appointed or elected,—("Hear, hear")—a thing which had never taken place before. Gentlemen, even those non-official appointed members, who, as a rule, think it a sacrilege to cast their vote against Government—(Laughter)—on this occasion supported the proposition. (Cheers). Gentlemen, it was a unique phenomenon that the proposition should be supported in the way it was, and still when we look at the attitude assumed by the Home Member, Sir Reginald Craddock, I for one am bound to confess that it fills me with dismay and consternation—that after a lapse of years,

* See page 61.

the Home Member of the Viceroy's Council should be shuffling and doubting about the carrying out of this policy. Let us appeal to them, gentlemen, to exercise wise and prudent statesmanship with regard to this question, and to dispose of it in a wise and statesman-like manner, when there is put forward a definite proposal for carrying out this policy so long delayed. "Hope deferred maketh the heart grow sick." We are sick, gentlemen, (Loud cheers)- of the delay that has taken place and must implore the Government of India to deal with the question in a wise and statesman-like manner.

INDIANS IN SOUTH AFRICA.

Gentlemen, the other subject is one about which I for one am very diffident about speaking, because, I think, it is impossible to speak of it with calmness and equanimity. It is a question which has stirred everywhere the human hearts and susceptibilities of every class, community and creed—("Hear, hear")—of this country. Hearts are stirred all over India by the treatment which has been accorded to our fellow-countrymen in South Africa for so many years, and the practical solution of the question is still as far away from it as ever. Gentlemen, I am one of those who have always staunchly maintained that there can be no justification for any part of the great British Empire to deny to other parts the equal rights of citizenship. (Cheers). I am not one of those who are apt to go and break their heads against stone-walls, but I refuse to admit that there are any considerations—economical or political—which can justify such unequal treatment to the citizens of this country. There should be equal treatment in every part of the British Empire in which all subjects are equal. But, gentlemen, while I refuse to make any such admission, I am not a man, as I said, to break my head against a stone-wall. We would have accepted the small concessions which our fellow-subjects in South Africa asked for, if they had been given to them honestly and conscientiously; but what has the Immigration Bill done? It has denied the small concessions and only done a few grudging things here and there. Gentlemen, it is said in vindication of the Colonial Department of the English Government, that they cannot coerce the self-governing Colonies by refusing them what they think is right in the interests of the Imperial Kingdom. Gentlemen, it is all very well to urge that argument now. I remember, though many people forget it, I remember that when the ordinance for the formation and consolidation of the South African Kingdom was issued by His Majesty's Government, it contained an explicit clause that the new Legislature, which would be established, would not be allowed to deal with the question of the status of what were called the Coloured races. Unfortunately when the Act came to be based upon it, somehow or other,—(Laughter)—it was urged that the Imperial Government could not coerce the self-governing Colonies into giving the equal rights of citizenship to the other parts of the British Empire. Gentlemen, this is a very large question. Such an attitude, I venture to say, is neither morally right or politically wise. It may be that the hand-to mouth policy in this matter may succeed for some time, but wise men must remember that it is not safe to

follow the policy of the open door in Asia and to adopt the policy of the closed door in other parts of the Empire. ("Hear, hear.") This is a subject upon which I have a very strong opinion. My feelings are very strong about it. Having made what observations I thought it right to place before you, I shall now not stand in the way of those who are to follow me and who are to deal with the resolutions to the fullest extent. The first Resolution is printed and before you and I will call upon the Hon. Mr. G. K. Parekh to move it. (Loud and continued cheers.)

In replying to the Vote of Thanks proposed by the Hon. Mr. Ibrahim Rahimtoola,

Sir Pherozeshah said he emphatically endorsed Sir Ibrahim's view that the crux of the matter lay in the question whether the Indian people were or were not in reality citizens of the great British Empire. That was the question on which he had always taken his stand and that question would ultimately have to be decided by the British Empire some day or other. He thanked the audience for the kind way in which they had passed the Vote of Thanks to him and then dissolved the Meeting.

BOMBAY MUNICIPAL CORPORATION.

DEFERENCE TO RELIGIOUS FEELINGS.

The Meeting of the Bombay Municipal Corporation, held on 13th October 1913, resumed consideration of the Commissioner's report on the letters to the Corporation from Mr. Nanu N. Kothare and other residents of Thakurdwar Road, protesting against the proposed erection of a place of convenience on the reclaimed site of a well near the Shenvi's Temple at Thakurdwar Road. Mr. H. P. Mody appealed to the members to withhold their sanction and place on record their emphatic opinion that no such structure should be erected on that site. Mr. Cowasjee Jehangir remarked that he had come to the conclusion that this agitation was engineered by the neighbours of the locality and that the religious objection was a second thought and he asked the members that although they might sympathise with the petitioners, they ought not to take into consideration the objections and grievances of private individuals where public questions were concerned. Sir Pherozeshah, who spoke on the subject with feeling and vigour, said:—

Mr. President,—I have listened with great attention to Mr. Cowasjee's animated and excited harangue which is simply amusing. I know my friend spoke with great independence but his independence and his reckless remarks are not founded on relevant and logical arguments. What has he been telling us? He says that the people are right in agitating and taking objections to such proposals but that it is no use our taking notice of these objections. I therefore venture to ask, what are we here for? Are we not here to listen, consider and sympathise with the grievances

of the people? And what is this matter after all! It seems to me to be Mr. Cowasjee's view that the heavens would fall if the proposed structure were not erected, and that the sanitation of the city would suffer thereby. He tells us not to mind the Temple, not to mind Mr. Nanu, not to mind the neighbours of the locality, for otherwise Bombay would go to the dogs and in asking us to adopt that attitude, Mr. Cowasjee showed utter and gross ignorance of the way in which the Indian community looked to these questions. . . . . Has Mr. Cowasjee no idea that the place where there was originally a well, is an utterly inappropriate site for building such a structure upon? I for one regard it as most unseemly and highly repugnant to the religious sentiments of the people. Mr. Cowasjee appeals to us not to regard the feelings of the people but I ask, why not? I quite admit that there might be cases where the Corporation, having regard to the welfare of the sanitation of the city, might have to disregard objections. But what is this matter after all? Just look at the locality—there are about five or six places of convenience there at a distance of about two hundred yards. Is it possible that the city would be reduced to a dangerously insanitary condition if this structure were not erected on this particular site? It is absurd, I think, to bring forward such an argument. . . . . It is often said that the British Government is a great respecter of religious feelings. I do not doubt that fact at all but I wish to say that the officers of Government in their zeal and desire to do what they consider logical and necessary in the interests of the administration, are sometimes carried away by their sentimentalities and contract a harshness of feelings and I most vehemently protest against that harshness of feelings. The officers of Government and the English officers among whom are several extremely good men, suffer from this harshness which often leads to undesirable results and I hope that members would bear in mind that in such matters, they must show great regard to the religious sentiments of the people. We are bound to respect religious feelings and the building of a structure for this purpose is a thing which almost every Hindu, Mahomedan or Zoroastrian would consider most objectionable indeed. I believe Mr. Cowasjee has no idea of the sanctity of a well. For one place of convenience more or less we want to go right against the feelings of the neighbourhood! I maintain that we have no right to flout the susceptibilities of the residents of that locality and I really protest against the way in which the matter is pushed. I am glad to find, however, that the Commissioner is very fair in leaving the question entirely to the Corporation. If we withhold our sanction to this proposal, it will not destroy the sanitation of the city nor will it make Bombay the less civilised.

I also wish to refer to another point urged by Mr. Cowasjee. It is said that the locality is rendered very foul, but I ask, is it for want of a place of convenience? I think that it is because the police do not exercise that control and that vigilance which they are bound to do. So strong was the feeling on this subject at one time that the Police Commissioner was placed under the Municipal Commissioner for purposes of this kind. Unfortunately that is not so now but the Police Commissioner

might yet be asked to exercise proper vigilance in the matter rather than prop up such a structure in the city. I think the Commissioner should not be hard in this matter and I do hope that the Corporation would accept Mr. Mody's Amendment and come to a resolution of not putting up the proposed construction on the well which had existed for years together. . . . . In conclusion I appeal to the members to divest their minds of all plausible contentions for pushing on the structure in this particular locality and say that there is absolutely no need for a place of convenience on this spot.

Mr. Mody's Amendment was first put to the vote and declared lost by the casting vote of the President and Dr. Sukhia's Amendment for referring the matter back to a Committee, was carried. The Committee ultimately decided against the erection of the proposed structure.

BOMBAY UNIVERSITY.

ORIENTAL STUDIES.

At the Meeting of the Bombay University Senate held on 14th October 1913, the Hon. Mr. Justice Heaton, the Vice-Chancellor, presiding, the Senate considered the question of Oriental studies raised in a letter from the Secretary to the Government of Bombay arising out of the recommendations of the Conference of Orientalists held in Simla in July 1911. Government asked if the University were prepared to establish a branch of Oriental studies with corresponding degrees, if a Sanskrit school were established at Poona for the training of pandits. Sir Ramkrishna Bhandarkar moved, as recommended by the Faculty of Arts and the Syndicate:—"That Government be informed that the University is prepared to establish a branch of Oriental studies with suitable titles of distinction, if arrangements are made for the teaching of this branch of knowledge generally on the lines indicated in the Government letter."

Several members having spoken on the subject the discussion was postponed.

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At the Meeting of the Senate held on 14th November 1913, Sir Pherozeshah spoke as follows on the question of Oriental studies.

Mr. Vice-Chancellor and Gentlemen of the Senate:—It seems to me that we are not discussing this matter as practical men. Nobody has ever disputed the value of Sanskrit studies and the usefulness of *pandits* and *shastris*. I am of opinion that the promotion of the study of Sanskrit is of prime importance in this country and I would go even so far as to give it preference over Latin and Greek. The question is if we want to preserve the race of *shastris* and *pandits*, is the proposal of Government adapted to that end? I ask you seriously to consider that question. Mr. Apte has stated that in order to fit them to take part in the proposed school, the *shastris* and *pandits* should have some smattering of the English language. That is exactly where you mar the importance of these people. If we did that, they would be neither English

scholars nor good *shastris*. My suggestion is that they should be allowed to go on in the manner they have been doing, and if there was need for them, I am perfectly sure, the race will not die out. ("Hear, hear"). I would ask you, gentlemen, if anybody sitting here, would like to go to that school. On further consideration, I think, that very few of our best students who have taken Sanskrit in M.A. will come forward to study in this school for four or five years. I am afraid the halls of the school will be found quite empty. This is the practical question which the University has to consider. There is a danger in this monopoly for Sanskrit training. These *pandits* and *shastris* are very worthy beings, but there are many lawyers like myself who know how these *pandits* and *shastris* have demoralised themselves by giving opinion for money when called upon to give evidence in law-courts as experts and how on this account the law-courts have ceased to call them for that purpose. I think the Government have set themselves to work in this matter in the wrong way. The better course for the Government is to found the school and after achieving certain results to come before the University for its recognition. But the Government, it seems to me, has been carried away by sentiment,—the sentiment of encouraging *swadeshi* learning. I hope therefore, gentlemen, that you will give this matter your best consideration before voting on this important question of Oriental studies.

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At the Meeting of the Senate held on 21st November 1913 the following Amendment proposed by Principal R. P. Pranjpye was carried as a substantive proposition. It ran as follows:—That Government be informed that while the University is not prepared to recognise students under training as pandits or moulvis on traditional lines, it is prepared, if arrangements are made for the teaching of Sanskrit on the lines indicated in the Government letter, to institute a branch of Oriental studies with suitable degrees, the entrance qualification for students taking up that branch being the completion of the first year course in Arts as in the case of students taking up study of medicine, engineering, agriculture or commerce.

BRITISH INDIANS IN SOUTH AFRICA.

PUBLIC MEETING IN BOMBAY, 1913.

A Public Meeting was held at the Town Hall, Bombay, on 10th December 1913 to pass resolutions in reference to the treatment of Indians in South Africa pressing for an inquiry into the allegations of ill-treatment of strikers in Natal and expressing gratitude to the Viceroy, Lord Hardinge and Lord Amphill for the way in which they had championed the cause of the Indian Community in South Africa. H. H. Aga Sir Sultan Mohammed Shah, the Aga Khan, presided. Sir Pherozeshah who, on rising to address the assembly, was received with loud and continued cheering which lasted for several minutes, spoke as follows.

Your Highness, Ladies and Gentlemen,—I am entrusted with the task of moving the first* Resolution before this Meeting. Let me assure you, ladies and gentlemen, that in proceeding to move that Resolution I do not propose to make a long speech, for in the longest speech which I might make, what could I tell you but the thrice told tale of woe and suffering, of patience and resignation, and above all—that blessed word--moderation (Cheers), of our country men and women in South Africa, which has stirred the heart of this country to its very depths ? ("Hear, hear"). In this state of things I was surprised, and I may be allowed to add, I was grievously disappointed in reading in one of the papers, where after referring to the project of a public meeting, the writer goes on to say, "this agitation has done one thing and that is to show that there are political agitators who, whilst being far removed from the Extremists, are perfectly prepared to use all the means in their power to embarrass the Government." I ask, could there be a more unjustifiable aspersion on those who are toiling to keep this agitation within limits and moderate limits in this country ? Does the writer refer to my friend the Hon. Mr. Gokhale (Cheers) who has devoted his whole heart and soul to this question, (Cheers) or to a mild Parsee like me (Loud laughter and cheers) who, if anything, has been reproached with not being violent on occasions which would have justified wild language ? But, gentlemen, the comment which I make on that observation is that the writer has utterly and entirely failed to realise the depth and intensity of the feeling which on this occasion pervades everybody in this country, high and low, rich and poor, young and old, however divided from each other by caste or creed, race or religion. He has utterly failed to measure the extent of the emotion which is agitating the whole country in consequence of the sufferings of our countrymen and above all of our country-women in South Africa. ("Hear, hear.")

Ladies and gentlemen, what is it in the first place the Indians in South Africa have been fighting for, pleading for, praying for, with all the persuasion at their command ? His Highness the Aga Khan has told you that there were some restrictions

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* That this Public Meeting of the citizens of Bombay expresses its entire sympathy with their countrymen and countrywomen in South Africa in the sufferings and privations borne by them in their patriotic and united endeavours for the removal of the racial, social and economic disabilities imposed by the recent Immigration Restriction Act.

It promises them the whole-hearted support, moral and material, of the public of this City and of the Bombay Presidency in their righteous struggle against such disabilities and particularly to secure full recognition of the validity of marriages contracted within or without the South African Union according to Indian religious rites; and to obtain the repeal of the iniquitous £ 3 Tax in Natal on ex-indentured Indians and their wives and children.

It exhorts the people of this country of all classes and creeds to subscribe liberally to the funds that are being collected to help their countrymen in their self-sacrificing campaign in vindication of India's honour and of her people's rights as equal subjects of His Majesty the King-Emperor.

And it appeals to His Majesty's Government to intervene on behalf of His Majesty's Indian subjects and to insist on the observance by the Union Government of those pledges and promises of which the non-fulfilment has compelled the revival of passive resistance; and in the last to exercise the right which vests in the crown to veto the Act of which the results are certain to be most injurious to the best interests of India and of the British Empire.

placed upon the Indians in South Africa during the Boer *régime*, but even the Boers by no means rigorously enforced the legal restrictions that were on the Statute Book. ("Hear, hear"). But when they treated the Indians in this mild manner, what did one of England's great statesmen say on that occasion? Lord Lansdowne, then a responsible Minister of the Crown, said in the House of Lords in grave and forcible and emphatic terms that even that mild manner of treating the subjects of the British Empire could not be endured and that such treatment was an adequate *casus belli* against the Boers. Now the Transvaal has passed into the British Dominions, and with what result? Have those restrictions been abandoned or repealed? Alas for the loyal subject of the British Crown!—it is depressing, grievously depressing to find that far from being removed, they are being more rigorously enforced than before. (Shame). The argument has been brought forward that the mighty British Nation which could make a *casus belli* of that treatment against the Boers, then a foreign State, could not interfere to prevent worse treatment in the dominions over which the King-Emperor presides! What a deplorable admission to make that the British Government cannot repress the sort of treatment in their own dominions which they did not tolerate in a foreign State! I deplore such a statement, such an argument, for this reason—for the reason of the effect which it would produce on the minds of the loyal people of India—an effect which we can scarcely contemplate with equanimity in our full sense of the full sense, I will not say loyal, of the benefits of English Rule. ("Hear, hear"). These further repressive measures were undertaken in the time of the British occupation of that province. And what did Mr. Gandhi (Cheers) and his associates do under these circumstances? They argued, they reasoned, they implored; they said: Do whatever you will even in your might but do not deny to those already settled in the country the simplest and the barest rights of ordinary citizenship of the Empire—the bare dignity of humanity. They begged and they prayed for this. The poor Indian had never commenced by taking up a defiant and aggressive attitude. He pointed out that he and his fellow countrymen had been ready to help the British during the Boer War and begged and prayed for nothing more than that those already settled there should be allowed the simplest rights of citizenship. No ear was given to what he urged until utterly baffled he resorted to one of the only remedies that remains open to a loyal subject of the Crown. For four years did that Passive Resistance last, from 1906 to 1910, and then people began to realise that the cause for which such sufferings could be endured by men like these, must be just and righteous. This was acknowledged and a promise given that the simple rights demanded would be incorporated in the next legislative enactment. What were these claims? I ask you to remember this, I have all along held that a subject of the British Crown has a right of free entry and access to every part of the Empire. (Loud cheers). I have always disagreed with some of my friends and have always said and maintained that Indians can never give up this great and vital principle of Imperial Citizenship. (Loud and continued cheers.) What did Mr. Gandhi do? Did he ask for that? Never. He bowed to fate and said: "Very well, let immigration go. I only ask for a recognition of the legal rights of those settled there,

of their social customs and domestic economy." All these were promised him, but when the legislation came, what was the result? It was an absolute negation of those promises. And still we are told that it is the Indians who should practise moderation and that the Boers should be satisfied that the demands are of a moderate character. Finding that Mr. Gandhi was again at his own game of persuasion and reason and argument, I call this unpractical, and I disagree with this saintly character only here. I say it was a mistake that they asked for too little, and they failed because they did so. If he had asked for more, and if he had struck out for that full demand, he would have got something. He would not have been told that because he had asked for so little, therefore he would get still less. That, I think, according to my poor judgment, was a great blunder, but it illustrates the reasonable and moderate character of the campaign carried on by Mr. Gandhi. Surely, the South Africans ought to have recognised the extreme docility and moderation of these demands toned down to the lowest depths. I ask your attention to this because it is the Indians who have been charged with not exercising patience and moderation, and Mr. Gandhi was still at his old game of reasoning and persuading—but with what result? Nobody listened and upto the present nothing has been done and still we are asked, and the Indians in South Africa are asked, to practise moderation (Laughter). Now the situation has developed in a way which has caused intense pain and agony to people in this country. Look at the way in which this aggressive Union Government of South Africa treats the Marriage Laws of the Indians settled there in their high superiority.

Sir Pherozeshah continuing said:—

As the Chairman has said there was a time when Indians were highly civilised when Boers and Britons were unknown. And denying that everything must be recognised by religious custom, they say that Indians married according to their own rites and customs are not to be considered as married at all. (Cries of "Shame, shame").

I tell you, ladies and gentlemen, what I feel sincerely, that there has been no more touching episode in the whole history of this campaign than the conversation which Mrs. Gandhi had with her husband before she cast in her lot with him in the Passive Resistance Movement. After the decision of the Supreme Court there, denying the legitimacy of Hindu and Mohammedan marriages, she asked him:—"Am I your wife or not? I am not your wife if this decision stands, and if I am not your wife, I am not a woman of any true womanhood in the estimation of my own sex, and my children are illegitimate." Mr. Gandhi must have known what it was to expose tender women to the hardships of the campaign, but in spite of his pleadings, that brave lady decided to cast in her lot with those men who were fighting for the cause History records the deeds of many heroines, and I feel that Mrs. Gandhi will stand as one of the foremost heroines in the whole of the world. (Loud applause.)

But we are told, ladies and gentlemen, what can His Majesty's Ministers do in a matter of this character, which concerns the internal economy and discipline

of a self-governing colony? I entirely and absolutely agree with His Highness the Aga Khan that we are bound to speak with due respect for the Ministers of the Crown. But with all that it is impossible not to tell that the people of this country cannot but consider that they have not extended that protection to the Indian subjects of His Majesty the King-Emperor which as Ministers of the Crown they were bound to accord to millions of his subjects in the Colony.

It is a piece of singularly good fortune that we have at the head of the Indian administration a man who has proved himself one of the greatest and noblest of Viceroys* (Cheers); a man cast in a large mould in every way—a high-minded, high-souled, and high-hearted statesman who fully realises that no statesmanship can be high which is not based on justice, righteousness and sympathy. (Cheers). His Excellency the Viceroy has won the hearts of the people of this country, and done a great service to the Empire by his magnificent speech at Madras. People in England do not realise the great service he has rendered by his words. Whilst we feel dissatisfied with the way in which great Ministers of the Empire have treated this subject, we are consoled with the thought that the Viceroy of this country, His Majesty's representative, is suffering in sufferings and pained by the pains borne by our countrymen in South Africa. (Loud applause).

Ladies and gentlemen, I am afraid that I belie the promise that I made at the beginning of this speech. I told you I was not going to make a long speech, but it is difficult to contain oneself under the circumstances, and long as I have been already,—I haven't kept my watch in my hand as we do in the Legislative Council (Loud laughter)—I cannot help making a further observation that I think it is a wrong and a narrow-sighted policy which has allowed the larger question to be brought out, the question of the rights of Indians as citizens of the British Empire. As I said once before on a similar occasion in this Town Hall, it is not a good thing to set Asiatics and Indians to ponder too much on the question of open door and closed door. I think it is a blunder of a most serious character that we should be led to think that while white races can claim by force and might to go everywhere and to enter the fairest places on the world's surface, and that at the same time they should lay down a principle that other races must not enter the places occupied by them. And though you may talk of Yellow Peril and Black Peril, but by this conduct you bring out more and more the gravity and seriousness of the Yellow Peril and Black Peril,—hence we cannot say what will happen in the future. But, I think, English and European statesmen had better take warning that while they claim the right of going over the whole world, and of invading the North of Africa, it is a grave mistake to set down too definitely and too formally that they will prevent other races going to parts occupied by the white races. I said that it was a piece of singular good fortune that we possess a statesman of the calibre of Lord Hardinge, who has fully realised the volume of the feeling in

* Lord Hardinge.

this country on the matter. Let us again go to him and implore him to approach—even if necessary—the foot of the Throne and implore the Crown that under the circumstances which existed and have since developed, it would not only be a righteous but also a wise policy that, if nothing else prevails, the Veto of the Crown be exercised. Was the Veto given for nothing? Was it not given to preserve and maintain Imperial interests? For with all the talk of the discipline and internal economy of self-governing colonies, are they not as much part of the Empire as any other part, and the Veto can only mean that if the colonies will not take care to preserve and maintain the Imperial interests involved, the Crown will step in and prevent them from doing irreparable injury and mischief to the Empire. We therefore appeal to the Crown that if nothing else prevails its Veto must be exercised. ("Hear, hear" and loud cheers). I mean to tell you one reason why we are feeling so intensely on the present situation. While we are speaking and speechifying, those mild and gentle women who have enrolled themselves with husbands and brothers, under the banner of Passive Resistance, are lying in jails herded with common criminals. (Loud cries of "Shame, shame"). And surely with all the advice about moderation dinned into our ears, does not our blood boil at the thought that while arguments are being set forth and negotiations carried on, these women in South Africa are suffering the lot of ordinary criminals? And if a way is not found to end these sufferings, I will not say what the consequences might be. But, gentlemen, the Pagan and Greek theory of the Nemesis, is founded on absolute truth, and acts like these must rebound on their authors, and therefore it is that we implore our rulers in the interests both of England and India, to bring about a reasonable and speedy solution of the question (Loud and prolonged cheers). With these words I move the first Resolution. (Loud applause.)

BOMBAY LEGISLATIVE COUNCIL.

KARACHI PORT TRUST ACT.

COSMOPOLITAN CHARACTER OF A LAWYER.

At the Meeting of the Bombay Legislative Council held at Bombay on 16th December 1913, H. E. Lord Willingdon presiding, the Hon. Mr. C. H. A. Hill proposed the first reading of a Bill further to amend the Karachi Port Trust Act, 1886. The provisions of the Bill practically brought in each instance the condition governing the administration of the Port of Karachi into closer proximation with the conditions governing the Port of Bombay. By Clause 3 it was proposed to reduce the representation on the Port Trust of the Karachi Municipality from two members to one, and the other member who should be a representative of Indian trade and commerce, should be nominated by Government. For the rest, the Bill as just mentioned, merely assimilated the provisions of the Karachi Port Trust, Act to those obtaining in Bombay.

Several honourable members having spoken, Sir Pherozeshah said:—

May it please Your Excellency,—I am afraid I have a surprise in store for my honourable friend Mr. Hill because I am unable to concur with the view which he has put forward with regard to the new proposal for partially disfranchising the Karachi Municipality. The honourable member from Sind, who spoke previously, said that the Municipality had nothing to do with the Port Trust; the Port Trust have everything to do only with the mercantile community, Indian or European. I was rather surprised to hear that, because my idea of a Municipality is that it represents all the elements in the City,—the Port Trust interests, which have to be represented by the Port Trust, as well as the mercantile community, etc. Surely, the Karachi Municipal Act is capable of affording the fullest opportunity to the mercantile community to represent the Municipality. If they are not fully represented, we can only find fault with the mercantile community itself.

So far as the Municipality is concerned, every opportunity should be afforded to them to send a representative. The Municipality represents all the interests of a City, mercantile and others. It was gratifying to hear the Hon. Mr. Nicholas pointing out, in the refreshing manner in which he put it, that the Municipality is bound up with the Port Trust.

The other fallacy which, I am afraid, I must charge my honourable friend Mr. Hill for having been guilty of, is that he thinks that a direct mercantile representative ought to be preferred to a lawyer, because the fact is that objection was taken to a lawyer finding representation on the Port Trust on behalf of the Municipality. Now, the fallacy of my honourable friend is this, that it does not recognise the cosmopolitan character of a lawyer. A lawyer is everything. If you go to a Court of Law, you will find that lawyers have to deal with questions of different character, and very often they understand mercantile questions better than the merchants themselves. ("Hear, hear.") My honourable friend Mr. Graham, for whom I have very great respect, nods his head; but if ever he comes in a mercantile case in the witness-box and is cross-examined by a lawyer, he will find that the lawyer knows more of mercantile intricacies than he himself does. I do not know whether my honourable friend Mr. Graham has had that experience previously, but if he has an occasion to go in a Court of Law, he will find that what I have said is perfectly true. It is a lawyer, it is a judge, who can deal with expert evidence of every character far more judiciously in the end than experts themselves, and that is why the decision of questions in which expert opinion is valuable is left to the assistance of lawyers and the adjudication of judges. Therefore, I ask my honourable friend Mr. Hill not to,—I was going to say libel,—but not to depreciate lawyers. He must remember, after all, the great English Government is largely carried on by a larger number of lawyers than any other profession in the world. And why is that? Because it is the lawyer's training or the lawyer's mind which is more capable of grasping the real problems which have to be dealt with, of whatever character they may be, than the particular individuals belonging to that profession themselves. I

therefore think, Your Excellency, that the Municipality ought to be left to its judgment to return such members as it thinks proper to the Port Trust in view of the real interests which are represented on it.

As I said, the Municipality represents all interests, mercantile and others, and it seems to me that that is a body-- I hope my honourable friend will not think I am blaspheming him when I say that--which is more capable of returning a fit member to the Port Trust, as I said, than the Government themselves. I think, after all, Government can make a selection without bringing to bear upon the question that representative faculty which a body, composed as the Municipality is, can bring to bear upon it. Therefore, I appeal to my honourable friend not to lay hands on the Municipality, as he proposes to do, and disfranchise it partially by taking one member and leaving it to Government to appoint.

And here I am brought to this question that, as far as possible, all these selections should be made, not by nomination, but by election. You will thereby get a far better result in the end. I am quite content to admit that, even in the case of elections, mistakes are likely to occur, as Government themselves often commit mistakes in their selections. I do not think my honourable friend Mr. Hill will himself deny that Government are not always infallible in their selections. So I think that if there is a more effective way of sending a representative to a body like the Port Trust, it is by election and not by nomination by Government.

The Hon. Mr. Hill, replying, said, inter alia :—I venture, Sir, to assure my honourable friend Sir Pherozeshah Mehta, that I most carefully avoided,—as I am sure the shorthand reporters will eventually tell him,—the use of the word "lawyer" altogether, not only because I have a wholesome dread of my honourable friend, but because frankly I rather wanted to avoid the suggestion which has crept into some of the speeches that this was a sort of battle royal between the mercantile community and the legal profession. It is nothing of the kind. . . . . .

The Bill was then read a first time.

The Hon. Mr. Pherozeshah :--May I inquire, Your Excellency, whether an opportunity will be given to honourable members to speak on the question whether the second reading of the Bill should be proceeded with to-day, as I should like to say a few words upon that point, if Your Excellency gives us an opportunity ?

H. E. the President :—I think the better way would be this. I should prefer to allow honourable members to make what remarks they wish to, on my honourable colleague moving the second reading of this Bill.

The Hon. Mr. Hill :—I venture to ask Your Excellency to suspend the standing orders with a view—

The Hon. Sir Pherozeshah :—My honourable friend cannot move the second reading till the orders are suspended.

H. E. the President :—My honourable friend is perfectly correct, but when my honourable friend moves for the suspension of the standing orders for proceeding with

the second reading of the Bill, the debate will arise on that, and on that my honourable friend can speak.

The Hon. Mr. Hill :—I venture to ask Your Excellency to suspend the standing orders with a view to permitting me to proceed, and to request that the Council will read this Bill a second time, and ultimately a third time and pass it into law.

The Hon. Sir Pherozeshah :—Your Excellency,—I have very often supported proposals of the character which my honourable friend Mr. Hill has made when the matter was of an urgent or of an emergent character, and any delay in putting the legislation into action might have some injurious or mischievous effect. On this occasion, Your Excellency will see, the Bill is not of an urgent or emergent character. As my honourable friend Mr. Hill has pointed out, the Port Trust has done so remarkably well in increasing the revenue from a small amount into about five or six times the original sum ; therefore, there need be no fear that, if this Bill is not passed into law at once, the useful and beneficial activities of the Port Trust would suffer in any way whatsoever. That being so, I appeal to my honourable friend not to depart from the practice which the legislature has laid down for the purpose of considering any new Bills coming before the Council. That is a principle upon which we are bound to proceed. It is solely in exceptional circumstances that the Council should ask His Excellency to suspend the standing orders, but as I said, no case of that sort has been made out to show that there is anything urgent or emergent to proceed with this Bill. Under such circumstances, I think it is always desirable to follow the wholesome course of going through the stages which the rules have provided. Your Excellency will also see that this Bill can be brought up before the end of this term ; it can be brought up in February or March before the Session closes, so that absolutely no mischief or injury could be caused by giving full time to members to allow the Bill to go through the various stages. And that is a point which I think might be discussed usefully in spite of what the honourable members from Sind have spoken as to whether the Act might not be amended in this way, that the Municipality might be asked to elect at least one of its two elected representatives an Indian merchant, and that they should be bound down, which has not been the case with the Municipality at present, to elect an Indian merchant or both, if you like, of its representatives. Now that is a question which requires a little consideration. It may be, as Your Excellency has pointed out, that the members from Sind have come to an unanimous decision about it, but I do venture to say that, even if the members from Sind have come to an unanimous decision, the Council are bound to form, after hearing them and after giving due weight and consideration to the arguments which they have advanced, their own decision upon a question of that character, because it involves not only the interests of the province of Sind, but it also involves larger principles which affect not only this Presidency, but the whole of this country. Therefore it is that I appeal earnestly to my honourable friend Mr. Hill not to depart from the usual procedure, because it will entail no mischief or injury, and to allow the Bill to run its usual course and not pass it into law, as it surely can be brought forward before this term closes.

H. E. the President, Lord Willingdon, then postponed further discussion of this Bill.

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At the Meeting of the Bombay Legislative Council held at Bombay on 13th March 1914, H. E. Lord Willingdon presiding, the Hon. Mr. Hill moved the second reading of this Bill. The Hon. Mr. G. M. Bhurgri on the other hand moved that the Bill be referred to a Select Committee. While supporting the latter motion, Sir Pherozeshah spoke as follows.

May it please Your Excellency,--My honourable friend Mr. Graham says that, if this motion for referring the Bill to a Select Committee is carried, it will cause delay, but I think he might have added that if any delay occurred, it is not due to the mover's action but because Government refused to appoint—or I will not say refused--but did not refer this Bill to a Select Committee on the last occasion. That is the ordinary course that is generally followed with regard to all Bills. Your Excellency will remember that, on that occasion my honourable friend in charge of the Bill, Mr. Hill, wished to push the Bill through all its stages, and some of us in Council objected to that course being followed. Your Excellency will also remember that I pointed out that, unless there were very urgent or special reasons for not following the ordinary course, the proper thing to do was not to take the three readings at one sitting after having simply given notice that the Bill was to be taken up for the first reading, and it was Your Lordship's intervention that allowed the Bill not to be pushed through all its stages at the last sitting. I think, Your Excellency and Members of Council will see, that the course then ultimately adopted by Your Excellency was full of wisdom, because you will see, as on a previous occasion, in regard to the Bombay Port Trust Bill the result showed that when at the first reading it looks as if there was no contentious matter to deal with, many difficult points are disclosed in the course of examination by the Select Committee and the public. My Lord, it seems to me that having seen the past history of the matter, the Council would do well to accept the motion of my honourable friend that this Bill be referred to a Select Committee.

The main reason why we should adopt that course on the present occasion is that we have received from the Karachi Municipality a telegram and memorial only yesterday and I think that memorial deserves careful consideration, and I do not think it will receive that careful consideration unless the matter was put in the hands of a Select Committee. I do not think it will cause any considerable delay in dealing with the final stages of the Bill. The Select Committee—there is only really one point to be considered—can meet this afternoon or to-morrow afternoon, and make its report without any loss of time, and it will be in a position to consider the proposal which has been brought forward by the Karachi Municipality, and it seems to me a point of sufficient importance that it should be dealt with in this way.

To disfranchise the Karachi Municipality, as I pointed out on the last occasion, is a step which, on the face of it, seems to be an exceedingly retrograde one, and unless there were very good and cogent reasons for that course to be followed,

I think it would be lamentable that the Municipality should be disfranchised in the manner proposed in the present Bill. I do not propose at present to go into the reasons which, to my mind, show that the proposal of the Karachi Municipality should be adopted, as all difficulties and arguments in support of the new innovation can be met by a proposal or by an amendment which would require the Karachi Municipality to elect as one of its representatives a member of the Indian Mercantile Community.

Your Excellency, I venture to point out, as I pointed out on the last occasion it is a wrong idea to speak of a Municipality that it is divorced or separated or is entirely unmixed with the Mercantile Community. What is a Municipality, after all, but a body largely composed of the trading and mercantile classes of the City? It seems to me that the mercantile community and the trade cannot but be and are in fact thoroughly represented on the Municipality, and it could be well trusted to elect one out of the two representatives given to it who is a member of the Indian Mercantile Community. I say with all deference that a body like that, composed largely of the rate-payers of the City, can be better trusted to select a suitable representative from the Indian Mercantile Community than even Government and as I say with all deference, that in respect of the different positions of the two bodies, that very great consideration is required before a step of this sort is now taken by Government.

Then, Your Excellency will see we are placed in a very difficult position with regard to the amendments. The memorial of the Karachi Municipality suggests an amendment of which, I must confess, I am strongly in favour, as I have already stated, *viz.*, that the Municipality should be required to elect one of its representatives from the Indian Mercantile Community. Now there is no notice of such an amendment. There is no time to give any notice based upon their recommendations, and unless Your Lordship is pleased to allow an amendment of that character to be moved without notice as you alone have power to do, we shall be absolutely precluded from placing that recommendation of the Municipality before the Council for consideration. Therefore, My Lord, I support the reference of this Bill to a Select Committee which should be instructed to bring in its Report within a very short time, and I think it can be certainly brought on Monday before this Council. But if Your Lordship thinks that that course is impracticable, I do appeal to Your Lordship that when the time comes for the discussion of the Second Reading, and for taking the Bill section by section, that one of us should be permitted, under the special powers given to Your Lordship under Rule 35 I believe, to dispense with the requisite notice of 7 days to move an amendment of that character.

Several honourable members having spoken for and against the Hon. Mr. Bhurgri's amendment, H. E. the President said:— . . . . . I wish to appeal to the better sense of honourable members with regard to the particular amendment that has been moved by my honourable friend Mr. Bhurgri . . . . . Every honourable member who has got a reasonable mind must see that this particular point can be discussed in the next half hour,

thoroughly thrashed out and definitely decided upon more satisfactorily by the whole Council than by a Select Committee.

The Hon. Sir Pherozeshah:—May I ask Your Lordship whether he would be able to move an amendment without notice?

H. E. the President replied in the affirmative.

The Hon. Sir Pherozeshah:—May I ask my honourable friend Mr. Bhurgri to withdraw his amendment?

The Hon. Mr. Bhurgri:—My Lord, with your permission I beg to withdraw my motion.

The motion for the second reading of the Bill was then carried and the latter was considered clause by clause. The first amendment discussed was proposed by the Hon. Mr. Bhurgri, a representative of the Zamindars of Sind. While speaking on this amendment, the Hon. Mr. Hill remarked in his speech:—

> Sir, I cannot refrain here from adverting to a somewhat personal aspect of this amendment. I referred in my opening remarks to the circumstance that it was the Sind Zamindars' representative who proposed an amendment to this Bill. I conceive it to be rather a unique circumstance, Sir, that such a representative should come forward to move an amendment in a Bill relating to the Karachi Port Trust when we have Karachi trade interests and municipal interests so admirably represented on this Council. It is, if I may endeavour to find an analogy, as though a measure relating to the Bombay Port Trust had met with the approval of the Hon. Sir Pherozeshah Mehta and the Hon. Mr. Setalvad and other members representing Bombay interests, and that then my Hon. friend Moulvie Rafiuddin representing the Mohammedan interests in the Central Division were to move an amendment. Now I cannot conceive how my honourable friend Sir Pherozeshah would express his views on such a circumstance in parliamentary language; but that seems to me, technically, at all events, on all fours with the currency of events underlying the procedure connected with this amendment.

Mr. Bhurgri's amendment was then put to the vote and lost.

DISFRANCHISEMENT OF THE KARACHI MUNICIPALITY.

In the amendment which was taken up next Sir Pherozeshah proposed that the Karachi Municipality should be allowed to continue to return two members to the Karachi Port Trust and that one of these members at least should be an Indian merchant. He spoke as follows:—

May it please Your Excellency,—I ask Your Excellency's permission, under clause (4) of Rule 35, to allow me to move an amendment on this occasion without notice. My Lord, the amendment which I propose is this:

Delete clause 3 and substitute as follows:—In section 7 of the said Act after the words "two" the words "of whom one at least shall be an Indian merchant" be inserted.

My Lord, in moving this amendment, I trust I will be permitted to make two protests. The first one which I make, most respectfully and deferentially but firmly, is that I do not think it is necessary to call upon any member of this Council to exercise his common sense in dealing with the questions which come before this Council.* I hope, Your Excellency, every member of this Council may be trusted, he may be misinformed, he may be wrong,—but he may be trusted to try and endeavour to exercise his common sense in dealing with every matter which comes before this Council.

The second protest which again I desire to make most respectfully, but firmly and emphatically, is against the doctrine which my honourable friend Mr. Hill has tried to lay down with regard to the way in which members of this Council should perform the functions which fall to their lot. He tried to point out that if a representative of the Sind Zamindars was to do anything in this Council, he must confine himself to the interests of the Zamindars, and he must not encroach upon the province of members who have been elected as representatives of other bodies. My Lord, as I said, I emphatically protest against that doctrine. Once a member of this Council has been elected, he not only acts in the interests of the people who have elected him, but I venture to assert, as was pointed out by Burke in his famous letter† to the electors of Bristol, that every member after he has found his way to this Council is bound in duty to do all in his power to take interest in every question of every community that may come before this Council. My Lord, that is the way in which I am trying to perform the functions which have fallen to me as a member of this Council, and I hope that your Excellency will endorse that as the right doctrine with regard to the obligations which lie upon the members of this Council in the discharge of their duties.

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* The Hon. Sir Pherozeshah here protests against the remarks [quoted above] made by H. E. the President Lord Willingdon while speaking on the Hon. Mr. Bhurgri's amendment.

† Sir Pherozeshah here evidently refers to the following speech (and not letter) of Edmund Burke made to his constitutents after being elected Member for Bristol in 1774. Said the great Parliamentarian:—"Certainly, gentlemen, it ought to be the happiness and glory of a respresentative tolive in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him, their opinion high respect, their business unremitted attention. But his unbiassed opinion, his matured judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure, no, nor from the law and constitution. They are a trust from Providence for the abuse of which he is deeply answerable. Your representative owes you not his industry only, but his judgment, and he betrays instead of serving you if he sacrifices it to your opinion. Authoratative instructions, mandates issued, which the member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest conviction of his judgment and conscience—these are things utterly unknown to the laws of this land and which arise from a fundamental mistake of the whole order and tenor of our constitution. Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain as an agent or advocate against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest that of the whole, where not local purposes, not local prejudices, ought to guide, but general good, resulting from the general reason of the whole. You choose a member indeed—but when you have chosen him, he is not a member of Bristol but a member of Parliament."

My Lord, coming to the amendment itself, I venture to point out, in the first place, that it is the amendment which preserves the *status quo*. It tries to resist an amendment brought forward against what has been done and has existed, (I forget the number of years,—I have heard it said 27 and 30 years), for at least 27 years with regard to the constitution of the Port Trust. After a very careful deliberation, as the Karachi Memorial points out, by members of this Council of the very highest weight and calibre, that this clause was inserted giving to the Karachi Municipality the right of returning two members to the Port Trust. That right has been exercised, as has been pointed out, for a long series of years, and it was with the greatest pleasure that I heard my honourable friend Mr. Barrow on the last occasion pointing out that the legal member who was elected and returned by the Karachi Municipality to the Port Trust rendered the most valuable services to the interests of the Port Trust, and I now see from the memorial which has been addressed to this Council by the Karachi Municipality that both the Municipality and the Port Trust passed Resolutions when he retired showing in what high estimation they held the important and valuable services which he had rendered generally to the cause of the Port Trust during his tenure of office as a member returned by the Karachi Municipality. There is nothing in the past which shows that the Karachi Municipality have not returned competent members for representation on the Port Trust. It has been said that there was some understanding,—I believe it was hinted on the last occasion when the first reading was taken up, that there was an understanding under which the Karachi Municipality was bound to return a member of the Indian Mercantile Community, and still they returned a lawyer. My Lord, it is very well to talk of these understandings and written promises and letters. I have been often told by officials in this Council that you must not drag in understandings and promises unless they were embodied in the legislative Act itself, and I well remember a very significant instance of the way in which I was treated on a former occasion when I pleaded the cause of the Bombay Municipality with regard to the Government contribution as to primary education. We produced documents after documents and correspondence and letters which were passed by Government, for the purpose of showing that the Municipality had been promised a certain amount of assistance, and when I referred to those documents and resolutions, I was curtly told that I had no right to refer to them, because the Act itself did not contain any understanding of that character. Therefore, My Lord, it is vain, it is futile, to speak of promises and understandings with regard to bodies which must fluctuate from time to time. How are the subsequent members of the Corporation to know what are the understandings and promises which had been given on a previous occasion and of which they knew nothing whatsoever? Therefore, I put out of account all these things, and it seems to me that the burden of showing that there is justification for what my honourable friend himself admitted appeared on the face of it, to be a retrograde step, lies upon the member in charge of the Bill. My Lord, I emphatically submit that nothing has been placed before this Council for the purpose of showing that really the Karachi Municipality deserves to be disfranchised of one of the two seats which had been

granted to them after such deliberation when the Port Trust Bill was passed. But, My Lord, be it so, and if there is any force in the contention of my honourable friend that it is desirable in the interests of efficiency of the Port Trust that one of the two members returned by the Municipality should be a member representing the Indian Mercantile Community, I answer let it be so. The representation of the Karachi Municipality ends by saying that, if a direct representation could not be given to Indian Merchants' Association,— and there I might be allowed to say in answer to what has fallen from my honourable friend Mr. Hill that at present there was no definite Mercantile body which could be entrusted with the duty of returning an Indian merchant—that, as has been pointed out by the honourable member from Sind, the Indian Merchants' Association of Karachi has been recognised for the purpose of returning two members to the Karachi Municipality. It is a body which has already been acknowledged by law. It is, therefore, futile to say that it is a body of which no legal or legislative cognisance can be taken. On the contrary, I maintain that the stern facts given by my honourable friend that recognition has been legislatively given proves conclusively the hollowness of the argument advanced by my honourable friend. A body which has been entrusted by the legislature with the function of returning two members to the Municipality can be well trusted to return one mercantile member to the Port Trust. After all, My Lord, I do not see why we should speak with bated breath of the mysterious character of the work of the Port Trust. It is nothing so wonderful but that men of ordinary knowledge and ability cannot well deal with it. What is that wonderful thing which a Port Trust is doing which cannot be done by members of ordinary or even mediocre ability?

My honourable friend says that it was desirable that one of the two members returned by the Karachi Municipality should have been a merchant. So be it and therefore I move my amendment which will effect that very object contemplated from the very first as is so loudly urged. The request made in the representation of the Municipality is a just and right one. In accordance with that representation I move to add words in this section which would compel them to elect to one of the two seats a member representing the Indian Mercantile Community. My Lord, it seems to me that while the proposal embodied in the amending Bill is certainly of a most retrograde character, not only politically,—as my honourable friend tried to put it, because I said we cannot act up to a full political principle because other considerations of a more practical character lead us sometimes to modify our strict adhesion to political principles,—I say not only for the purpose of political principle, but also for the purpose of what he lays stress upon, *viz.*, the efficiency and safeguarding the interests of the Port Trust. I do not think, My Lord, that he will put it to the members of this Council that the efficiency of the Port Trust will in the slightest degree be affected if instead of a person from the Indian Mercantile Community being nominated by the Government that he should be one elected by a body conversant with their own men, with their own traders and with their own merchants who are in touch with them to a greater extent than Government could possibly be, even though

their official advisers give them their advice and assistance with regard to the selection. I submit, My Lord, that when my honourable friend twitted the members from Sind for a sudden change of front, one thought occurred to my mind which was that my honourable friend, though he had been to Karachi during the interval, had failed to elicit the real public opinion of the province on this matter. I say, My Lord, that for my own part I rather admire the members from Sind who, though they committed themselves otherwise at the last Meeting of the Council when they found that public opinion was very strong on the subject, honestly and courageously came forward to recant what they had said through ignorance, and informed Your Excellency at this Council, that now that public opinion had declared itself in an unmistakable manner, that they, as their representatives, were bound to act accordingly. On the last occasion, I venture to say, Your Excellency, that we were misled by the assurance which was given to us that everybody connected with Sind had really accepted the proposed innovation. Now we find, My Lord, it was otherwise. I am generally sceptical about such sweeping assertions and consider it always safer not to depart from ordinary safeguard provided by the rules of procedure that I asked Your Excellency to intervene on the last occasion. As I have said, the wisdom of Your Lordship's intervention has been amply justified as similar action was justified not very long ago with regard to the Bombay Port Trust Amendment Bill. My Lord, that I ask Your Excellency, and I appeal to the wisdom of the Member in charge of the Bill, whom I admire for the way in which he tries to apprehend every aspect of a question, and whom we admire for the way in which he tries to ascertain the views and feelings of all parties to see if he could deal with them liberally and generously,— I ask him to consider carefully whether this demand of the Karachi Municipality is not a just and fair demand, and whether it does not meet the position which he himself has taken up, *viz.*, that he is acting in the interests of the Karachi Port Trust, in the interests of the City of Karachi and safeguard these interests efficiently. My Lord, we can secure efficiency without the sacrifice of political principles. I appeal to Your Excellency and to the member in charge of this Bill not to go back from election once it has been given. Just as Lord Clive said on one occasion, it is absolutely impossible to recede from such a situation; once you have taken a step of that character, there is no possibility of a retreat from it, and that is a saying of that great man which applies to political matters as to others. Once you have granted this right of election to a body like the Karachi Municipality, I will ask Your Lordship to weigh carefully and considerately whether it is right to retrace a step of that sort and then I appeal to Your Lordship and the member in charge, and all members of this Council, that they must not join in taking away from the Karachi Municipality, one of its two seats and substitute into nomination instead of election. The Karachi Municipality itself has come forward and frankly told you that they would be quite content if it is provided that one of the two members who are elected at the present time should be a member of the Indian Mercantile Community.

My Lord, I venture to submit that my amendment, which is not based solely upon the recommendation of the Karachi Municipality, is an amendment which I myself had in mind at the time of the first reading of the Bill. It is a just and fair one, a politically wise, and even in practice a measure which will secure—it will certainly not harm—the efficiency of the Karachi Port Trust.

Several honourable members having spoken for or against the amendment, the Hon. Sir Pherozeshah replied as follows.

May it please Your Excellency,—So far as my honourable friend Moulvie Rafiuddin is concerned I can only say that I am amused by his profession to set up as an apostle of consistency and a champion of lawyers. I think, My Lord, that if you consider his arguments carefully, you will see that instead of being consistent it is he himself who is most inconsistent, and is not by any means advocating the interests of lawyers. He utterly fails to understand what I said on the last occasion about the cosmopolitan character of lawyers. I was not asking on that occasion that lawyers should be pushed in all sorts of places, good, bad and indifferent. All that I pointed out was that a lawyer was well qualified to sit in judgment on matters, not only which affect law, but all other concerns of life, and that if a lawyer was returned to the Port Trust, it was no such bad thing as had been attempted to be made out.

As regards consistency, he says that I am inconsistent, because I take away one seat which might have been given to a lawyer and make it compulsory to give it to an Indian merchant. Where the inconsistency crept in, I fail to see, and my honourable friend was not careful enough to point it out to me clearly. My honourable friend Mr. Hill has pointed out that we were considering in what way we could best promote the efficiency of the Port Trust and the interests which it represents, and it was from that point of view that I argued that it was far more desirable that the Karachi Municipality which has representatives of the trade and commerce and all other interests of the City, would be a far more preferable agency for selecting an Indian Merchant than Government themselves. I say they would be in a far better position,—I do not speak irreverently,—being in closer touch with the trade and mercantile interests, than the Government could be, though, as I said, they are assisted by the advice of their own officers in Sind. But I think I will leave my honourable friend Moulvie Rafiuddin for the moment alone.

What has astonished me most, what has amazed me exceedingly, is the speech of my honourable friend Mr. Barrow. I cannot imagine how my honourable friend Mr. Barrow could have put forward the arguments which he put forward in support of nomination against election, because if you consider it for a single moment, if you push his argument to its logical consequence, you would have to go back to the old days, when every member of this Council was put in by nomination and not by election. Let him push his argument, and if nomination, according to him, can work far more efficiently for the purpose of selecting people, why was all the trouble to substitute election in place of the old system of nomination? Why do we praise Lord Morley and Lord Minto and I am sure my honourable friend joins in that praise,

for the reforms which have been introduced in enlarging the scope of election as against nomination. If my honourable friend Mr. Barrow who is generally very fair in these matters, will consider this question carefully, he will find out why it is that election is preferred to nomination. "Oh," he says, "party arrangements will be brought in." Well, party arrangements exist also in the House of Commons. So abolish the House of Commons and abolish election throughout the British Dominions. My Lord, those are not the arguments which can really support the opposition against my little amendment. He said it was a small and a very minor matter, so I said myself, but it is the thin end of the wedge which is mightier than far more strong endeavours subsequently made. It is the recognition of the principle that election does things better than nomination in certain circumstances that requires to be borne in mind in the conduct of all municipal, political and other affairs in this as in other countries in the world. Therefore, small as it is, I submit, that it is on account of the principle which is involved in the step which was taken that I venture to put forward the claim,—of what?—of not even bringing in a new roll of election but of maintaining the elective seat when it has been once given, rather than relegate it to that of nomination.

My Lord, I entirely agree with my honourable friend, and I entirely endorse the assurance that his desire is, as certainly we know, it is of Your Lordship, to co-operate in the work of free municipal and other bodies as much as possible. I entirely accept with the very greatest thankfulness that assurance, but my honourable friend reminds me of some old lines. For the purpose of co-operation, he first disfranchises the Karachi Municipality and that reminds me of those lines which, an accomplished scholar as he is, he will probably know:

> "Height measures he in depth and peace in strife,
> And calls all this the poetry of life."

Then again, My Lord, this disfranchisement which he calls the first step reminds me of those popular lines:

> "It was all very well to dissemble your love,
> But why, oh why, do you kick me downstairs"

My Lord, my learned friend's dialectic skill which I admire, and I have always admitted that it is very great, has tried to put upon the difficult position he has taken up, the best possible philosophical interpretation, and he says we ought to accept this little disfranchisement for a short time because "I assure you that in the near future,"—those ominous words,—"when the Karachi Port Trust Bill is taken up for amendment another time, we will see that something is done in the interests of the Indian merchants." My honourable friend has not told me when it will be found necessary to amend next the Karachi Port Trust Bill. Are we sitting in the Legislative Council for the purpose of amending and re-amending, and find occasions to bring on amendments and re-amendments at every session or are we legislating in such a way as to avoid having recourse to early amendments?

If my honourable friend admits that, it is desirable to obtain by election an Indian merchant to the Port Trust. He admits that. All that he says is that the Indian Merchants' Association is not fully representative of the Indian merchants, and therefore it is not quite a sufficiently strong body of Indian merchants, and therefore he will not allow even for a short time a representative returned by election by the Indian merchants, and that was the fallacy which unfortunately vitiated all the arguments of my honourable friend Mr. Manmohandas Ramji. I could have understood him if he had said that he insisted on a representative being returned by an Indian merchants' body. I support him wholly in doing that. He takes up the extraordinary position bacause that could not be done, he would rather have a Government nomination than allow the Municipality to return a member by election. That is the fallacy of my honourable friend Mr. Manmohandas Ramji. It indeed seems to me that my honourable friend really admitted every position that I have taken up. If he was prepared to support the returning of a member of the Indian Merchants' Association by election to the Port Trust, I would at once withdraw my amendment, and would again remind him, which was a matter lost sight of by my honourable friend Mr. Graham,—(I am sorry he is not here),—(A voice:—He is here.) Oh, he has changed his seat. I hope he is not hiding, Your Excellency. (Laughter.) I am almost certain he is retracting his views.

Your Lordship will see that my honourable friend has really admitted that position that a member of the Indian Merchants' Association should, if there was a body, be elected by that body, but I will remind him that he has given no answer to the argument which was supplied to him by my honourable friend from Sind, *viz.*, that the Association has been recognised, for the purpose of returning two members to the Karachi Municipality. Surely, My Lord, if a body so constituted has been judiciously and legislatively recognised for the purpose of returning two members to the Karachi Municipality, cannot it be trusted to return one member to the Karachi Port Trust? No answer has been attempted even to that broad fact staring in the face. I say that if there is such a body, by all means,—never mind the Karachi Municipality,—then let that body be entrusted with the task of returning an Indian Member of their own selection. But if that is not so, my argument is this. My honourable friend has not attempted to reply to the argument, failing that body, which is better for the purpose of returning a mercantile member to the Karachi Port Trust? He says, Government, but I venture to say, no: an election by a body like the Karachi Municipality is certainly preferable to that.

Well, my honourable friend Mr. Barrow says party arrangement is coming in. My experience is that party considerations and various other considerations come in everywhere, even in Government action, and they will come to the end of time, but that is no reason why we should not entrust the Karachi Municipality with the task of returning to the Port Trust from their members an Indian merchant whom they would select from their close contact and connection far better than Government, because, after all, Government are only advised by some officer, and just as much party

arrangements creep in in the case of officials as in that of non-officials. Considerations of a variety of characters, personal and otherwise, enter into the recommendations even of officials.

My Lord, I have taken up the cause of the Municipality, because they have brought this matter before the Council. On the last occasion we were told that the Bill should be passed at that very sitting, that public opinion was unanimous, and therefore we should not hesitate to take up all the three readings at one stroke. Now we know that a large portion of the public differ. My honourable friend Mr. Barrow says that public opinion is no such thing, there is no such thing. But he forgets that when we talk of public opinion we don't mean the opinion of the world, but we mean the general opinion of the people who are interested in the matter. We always talk of the whole world. What do you mean by that? Obviously those interested in any particular matter, and the public opinion of Karachi, of people who are interested in the question, has declared itself in a way far different from what was tried to be made out on the last occasion, and therefore it seems to me that now, following the doctrine which was laid down at the first reading, we should really give some hearing, some respect to the declaration of that opinion.

My Lord, there is one thing which I wish to point out. The Karachi Municipality has never been consulted in this matter. I have a complaint to make against Government. Was this Bill which affected their privileges, was it ever referred to them, before it was brought into this Council at all? My honourable friend says it was published to the whole world, so that the Karachi Municipality should have seen it and given their opinion upon it. But is it not the policy of Government that when bodies and communities are specially affected with regard to any legislation that their attention should be specially invited and their opinion sought? In the case of the Bombay Municipality, we have always been told 'we shall consult you.' I know there are lapses. Government have their failures of memory, and sometimes a body is not asked their opinion about matters affecting it. But in this Council we have always been assured that whenever their interests are affected Government would take their views. Now I ask whether, with regard to this Bill, the opinion of the Karachi Municipality was ever invited. I am assured by all the members that it was never asked to express its opinion on the subject.

My Lord, I do not care about the result of taking votes, because I am one of those who, by a long public career of disappointments, have learnt patience and resignation. Let the division go in any way it likes, but I hope I have done my duty by the Karachi Municipality and by this Council.

H. E. the President then spoke as follows:—My Honourable friend Sir Pherozeshah Mehta has with his usual skill and power of language, made his case as strong as he possibly could, and I am sure that Government fully appreciate the arguments that he has put before us. Now he has asked the Government a definite question at the conclusion of his remarks, and that was as to whether this Bill has ever been put before the Karachi Municipality. My honourable colleague is not perfectly sure with regard to this question, but it will be within my honourable friend's recollection, that we have here the President

of the Karachi Municipality, who on the last occasion on which we discussed this Bill, expressed himself to be strongly in favour of the Bill as it stands at the present time. I quite appreciate my honourable friend's point of view, but if I may say so, he has been discussing with great force and great power what is really rather a small question. I am disinclined to admit for one moment that I am giving way in favour of nomination as against the elective principle. I am in favour, where possible, of the elective principle and I should always favour it where it could possibly be introduced.

Sir Pheroseshah's amendment was then put to the vote and lost 18 voting for and 28 against it.

The Bill was then read a third time and carried.

BOMBAY LEGISLATIVE COUNCIL.

AMENDING OF THE BOMBAY IRRIGATION ACT.

At the Meeting of the Bombay Legislative Council held at Bombay on 16th December 1913, H. E. Lord Willingdon presiding, the Hon. Sir Richard Lamb moved the first reading of a Bill further to amend the Bombay Irrigation Act, 1879. The Bill related to Second Class Irrigation Works. The Act hitherto applied only to Works, which were solely constructed and maintained by Government. Section 5, it was true of the Act empowered Government to issue a notification declaring that a certain source of water was required for irrigation but no notification under that section would avail to give Government the right or power to control the Second Class Irrigation Works and it had therefore been decided to introduce the present bill. It was only when trouble arose owing to disputes amongst the irrigators themselves due to their inability to settle amongst themselves or where Government had expended large sums of money and must necessarily see that a proper return was obtained on that sum, in such cases the proposed measure was to be applied, in order to settle in other ways than in accordance with the custom the distribution of the new supplies of water which had been made available. In short, the Bill left alone all Second Class Irrigation Works which were being managed under the existing custom and practice without difficulty and without dispute and in cases where these arose, Government would notify the intention to bring the Works under this Act, and on such notification enquire into the necessity or otherwise of declaring the work under the Act; if the necessity was not found, they would take no further step and leave the work to go on as before managed by custom and practice, but where the necessity was found, then only the work under the Act was to be declared a Second Class Irrigation Work and Government in the latter case proposed to take measures that were prescribed in the sections 74 to the end.

The Bill was read a first time and referred to a Select Committee.

At the Meeting of the Council held at Bombay on 16th March 1914, the Hon. Sir Richard Lamb moved the second reading of the Irrigation Act Amendment Bill. The Hon. Mr. Godbole's Motion that the second reading be postponed was put to the vote and lost and the same gentleman's Resolution, viz., "That a Committee of this Council composed of official

and non-official members be appointed to consider and report on the matter of Second Class Irrigation Works in this Presidency, with a view to drafting clauses in the Bill similar to those of the Mysore Tank Panchayet Regulation," was carried.

H. E. the President :—Now we will proceed with the second reading of the Bill.

The Hon. Sir Pherozeshah :—May I rise to make an appeal to members of this Council? We really do not know where we are, and what it is that we are to speak on.

H. E. the President :—We are now discussing the second reading of the Bill. There was a motion before the Council that a Committee be appointed to enquire into, etc., etc. That particular motion is passed.

The Hon. Sir Pherozeshah :—We shall be running the Committee side by side with the discussion. I only beg Your Excellency to relieve us a little from our want of understanding.

H. E. the President :—The honourable member rather came late in the debate. He does not know exactly what has happened. We began by discussing the second reading of the Bill. The motion for adjournment was moved, and that has been negatived. The motion by my honourable friend Mr. Godbole was then moved and has been passed.

A Committee has to be formed with a view to consider and report if a Bill can be formed, etc., etc., that is, I suppose, for the information of Government. In the meantime, the present position is that we are to go on with the discussion on the second reading of the Irrigation Bill.

After some further discussion the Hon. Sir Pherozeshah inquired of the honourable member in charge of the Bill—

Is my honourable friend prepared to say that this Bill would not be applied to any but those works in which there is any urgency that Government should have legal powers? Is he prepared to exclude all other works from the operation of this Bill? His argument is that it is required for the purposes which he has described. The Hon. Mr. Godbole says that there are not more than five per cent. of those works. My honourable friend has argued that even if it is one per cent. the Bill must be passed for the purpose of giving legal powers in respect of that one or those few works. Is he prepared to say that he will exclude all other works at present from the operation of the Bill till the report of the Committee is made?

The Hon. Sir Richard Lamb replying said that Government would carefully refrain from applying the Bill to all small works for which there would be no call or demand for the control to be given by the Bill. As to the actual numbers which should be excluded or included, it was not possible for him to give any absolute binding assurance.

After some further interpellations the Hon. Sir Pherozeshah said :—

I think, My Lord, we had better proceed with the discussion on the second reading of the Bill.

H. E. the President :—That is exactly what I should like.

The Hon. Sir Pherozeshah then spoke as follows :—

Therefore, Your Excellency, I will set a good example in that respect and offer a few observations. I did not intend to speak on a subject like irrigation and irrigation works, but I see my honourable friend Mr. Sheppard looks at me as if I was quite competent to speak on this as on other subjects. There are two observations I should like to make even on this Bill with regard to irrigation. The one is, that I think it is a great pity that this Bill has not been framed on lines which would have brought out the communal spirit in our villages more than it has. It has often been deplored as an unfortunate circumstance arising from the rigid and inelastic character of the Bombay revenue system that the old spirit af communal co-operation has been almost crushed out of existence in our villages. We have often heard it said—I believe the Decentralisation Commission has pointed it out—that we had committed a great mistake in that respect, and that it seems desirable that everything should be done to re-create, as it were, to revive the old spirit of communal co-operation which formerly was the foundation of the Indian village system, and it seems to me that, whenever an occasion arises, we should never lose an opportunity of doing something which would go to re-create that communal system.

I have only just looked into the pamphlet on the Mysore system, and it shows how the communal spirit could be revived in a matter of this character, and Village Panchayats would be very useful bodies for purposes of dealing with matters with which the Bill purports to deal. My honourable friend Mr. Godbole pointed out that he is perfectly willing that, where the matter really concerns two villages, those works might be put out of the purview of the Village Panchayat's action, but where they relate to a single village, there is no reason whatsoever why the village community should not be left to consider the question themselves, and therefore it is that I regret that this Bill does not utilise this occasion, which has fortunately arisen to deal with the matter in that spirit.

There is really no reason for much hurry about the matter, as appears from a remark which fell from my honourable friend Mr. Curtis. He said that formerly they were taking illegal action in the matter, and a Committee was appointed in 1896, which pointed out that it was illegal to act in the way in which revenue officers were acting, and that Committee recommended that some steps should be taken to put the matter on a more satisfactory basis. Mr. Curtis added that, for various reasons, Government slept over the matter, for how many years now?—let us see,—from 1896 to "the year of Our Lord" 1914, that is to say, for 18 years. It is the old tale. Government sleep over a matter for years, of course always for good reasons, but when it wakes up, the matter must be pushed through urgently, and we are told that it is not necessary to give us as many days or months for our consideration as they took years to consider. I venture to think that we may justly take some time in dealing with this Bill. I think revenue officers like my friends the Hon. Mr. Barrow

and the Hon. Mr. Curtis who take an interest in these matters, should be asked to suggest some measure which may have the effect of reviving the old village co-operative system that had existed.

It was very refreshing to hear my honourable friend Mr. Curtis, if I may venture to say so, correcting what had fallen from my honourable friend Sir Richard Lamb. He pointed out that the provisions of the Mysore Bill were not really antagonistic to the proposals in the present Bill, as the revenue member thought, but might be made ancillary or supplementary to those provisions. If they are not so, my honourable friend Mr. Curtis might have gone a bit further and said that it was a most desirable thing to do and that they should be incorporated in this Bill. They would have stood side by side for various purposes in this Bill itself, and I think that would have been a desirable way of dealing with this matter. My honourable friend Sir Richard Lamb does not deny, that to irrigation works relating only to one village he does not seriously press to apply the provisions of this Bill. What he is most concerned about is with regard to the works of a character in which more than one village is concerned. Now, if that is so, surely in this very Bill we might side by side run sections which would enable the Village Panchayats to deal with other minor class of works. I still think my honourable friend Sir Richard Lamb might consider whether it would not be desirable to model the Bill in some manner which would take advantage of both ways—one requiring direct action of Government in the way in which it is proposed to do in this Bill, and the other to be dealt with by village Panchayats on the model of the Mysore Tank Regulation. Probably my honourable friend Mr. Curtis is quite right in saying that the Mysore Bill is not a new model. I know that English revenue officers have very often regretted that the rigid system of revenue administration in this Presidency has crushed out the real spirit of the old village system and that everything should be done for the purpose of re-creating it as far as possible. It seems to me, therefore, that the Bill might very well be framed on those lines.

The second observation which I should like to make is what comes in a very incidental manner, it does not appear on the face of the Bill itself because it is brought out only with reference to the motion for amendment of the Irrigation Bill, which is the system of penalties which might result in the imprisonment of the parties concerned. Now, Your Excellency, I feel very strongly on that point. Looking at the scope of the Bill, and the position of the parties who are likely to be affected by it, I ask this Council whether it is right to include in a Bill of this character personal penalties entailing imprisonment for the purpose of compelling petty repairs to be done? I can well understand Government insisting that if the parties interested will not do what is required by law that they should do, that work should be taken out of their hands, and they should be mulcted with all costs of carrying out that work. That, I am prepared to admit, would be a reasonable way of dealing with the matter, that Government may take over and make the sinning persons liable for all the expenditure which might be incurred. There are numerous provisions in the Bombay Municipal

Acts in which it is provided that, if a person will not carry out the work which is considered necessary for public purposes, that work should be taken out of his hands, and that he should be made to pay the cost which might be incurred in respect of doing the work by the Municipality itself. But that is a very different thing from saying that all defaulters should be liable to be sent to jail. I think my honourable friend will carefully reconsider this part of the Bill. I say take everything out of his hands for the interest of the village, but do not send him to jail, and I ask my honourable friend Sir Richard Lamb, I ask the two or three Commissioners who are now sitting in the Council, and who are supposed to be most intimately acquainted with the feelings, prejudices and ideas of these people, what a man would feel if he thinks that if he fails to do something of that character, he is marked to go to jail?

(*The Hon. Mr. Godbole at this stage whispered something to the speaker.*)

H. E. the President :—The honourable members cannot hold a little conversation.

The Hon. Sir Pherozeshah :—My honourable friend Mr. Godbole is doing me a service, Sir, because he is correcting to some extent what I have been saying.

H. E. the President :—We should be glad to hear what the service is.

The Hon. Sir Pherozeshah :—I am glad to be corrected in time, My Lord. He says that so far as the penal clauses are concerned, they will not altogether operate upon the *rayats* themselves, the irrigators themselves. If that is so, my remarks will require modification to that extent. But even the irrigators themselves will not be altogether free from liability. I understood that the penal clauses which inflicted imprisonmet in the main Act were also rigidly to be used for the purposes in the manner in which I have spoken. If that is not quite so, I am very glad, but if it is so even to some extent, I would ask honourable members to see that the penalties will not include personal penal sentences.

There is only one other observation which I wish to make. My honourable friend Mr. Barrow said that it is essential that there should be a record of irrigation rights, but I am not a great believer in the Record-of-Rights in the way in which it is proposed to be done. Poor people who hardly know what exactly their irrigational rights are, and what they are to claim, but which they have exercised for a number of years, are placed at the mercy of a Revenue Officer who draws such inferences as he thinks proper from such evidence that is placed before him. We know the difficulty of establishing a right. We are now throwing the burden of proving exactly what their rights are upon these people. We know, in numerous instances in the past, that people upon whom this burden has been thrown, though their position has been of an indisputable character for a number of years, have been unable to establish them as satisfactorily as might be established in legal ways. Therefore it is with great apprehension that I view that portion of the Bill which requires the Record-of-Rights to be prepared. I always view with apprehension the difficulty

there is in establishing the existence of rights though they are exercised for a number of years, particularly those of this character. These are the only observations, Your Excellency, which I propose to make, and I hope my honourable friends will follow my example in confining themselves to the second reading of this Bill.

Several honourable members having spoken for and against the Bill, the motion for the second reading was put to the vote and carried and the Bill was then considered clause by clause.

ONE MAN'S HOLDING.

The Hon. Mr. Godbole then moved an amendment the object of which was to exclude the work of one irrigator only. The Hon. Mr. Godbole thought that such works being private they ought not to come within the purview of the Act. They were intended to irrigate one man's holding only and Government were concerned only in the interests of such works as affect a large community and not when they affect only one person.

In support of this amendment Sir Pherozeshah spoke as follows.

Your Excellency,—I beg to support my honourable friend Mr. Godbole's motion. I thought from the remarks that my honourable friend Sir Richard Lamb made when controverting the amendment of the Hon. Mr. Upasani that he was prepared to exclude the provisions of the Act applying to one-man's holding, and I think with very good reasons. I see my honourable friend firmly shakes his head and is quite firm about it. But I really ask my honourable friend if in opposing the Hon. Mr. Godbole's amendment we are not very near confiscation? If not confiscation, what is it that you are going to do? Here is the work which belongs to only one man and you say "we shall have control over it." To my mind it is perilously near confiscation. What does the Select Committee wisely say about it? They do not deny that it ought not to be brought under the notification as a rule. But they point out that if the works are not specially excluded that might lead to some difficulties in view of the joint family system in India. If that was a good reason, why we ought to give power to confiscate a large number of properties which belong to the joint family system in India? I ask my honourable friend, whether that is a right attitude for Government to take up in matters of this kind, to take away private rights in this fashion and for such a reason. When you go on to say that one-man tanks ought to be dealt with under the provisions of this Act by a simple notification by Government, then his control over it can be infringed in all sorts of ways as provided in the Act. It really seems to me—if it does not exclude one-man tanks—we would be perilously near what I may fairly call confiscation.

Several honourable members having spoken, the Hon. Sir Richard Lamb in his reply said:—Your Excellency, I am sorry to say I am entirely unmoved by what I have heard—

The Hon. Sir Pherozeshah:—You are very hard-hearted

The amendment was ultimately put to the vote and declared to have been lost. The Hon. Mr. Godbole asked for a division. The number of votes recorded for and against the

amendment being equal, the Hon. the President said:—I am very sorry to keep honourable members waiting, but a very interesting situation has arisen which we are not quite clear about yet.

The Hon. Sir Pherozeshah:—May I suggest, Your Excellency, to adjourn the Council till to-morrow?

H. E. the President:—No, I do not think so. I think we should be able to deal with the situation in a moment.

A consultation took place between H. E. the President, the Members of the Executive Council, etc., and after a few minutes, H. E. the President said:—I think on the whole it would be well if we accept my honourable friend Sir Pherozeshah's suggestion and adjourn the Meeting . . . There is an equality of votes and although we have been making strenuous efforts, we cannot discover upto the present moment whether the President is entitled to a casting vote. . . .

When the Council met on the next day, i.e., on the 17th March 1914, H. E. the President declared that he was empowered to give his casting vote under section 34, page 11, of the Indian Councils Act of 1861, and voted against the amendment but in order to give effect to the wishes of the members, he said, Government were prepared to move the proviso that they had decided on, viz.

To clause (b) of sub-section (1) of new section 73 the following proviso shall be added, namely:—

"Provided that no artificial reservoir which is actually used for the purpose of irrigation by a single irrigator shall be included in such notification except either with the consent of such irrigator or, if in the opinion of the Governor-in-Council such inclusion is necessary in the public interests, then without such consent, but subject to the payment, after the issue of the declaration mentioned in sub-section (3), to such irrigator of such compensation for his rights as may be settled in accordance with the provisions of section 79."

The words "or water-course supplied from such reservoir" were added between the words "reservoir" and "which" and section 73 as amended was finally put to the vote and carried.

QUESTION OF PUNISHMENT.

The Hon. Mr. Godbole then moved an amendment which related to the modification of the punishments to be awarded in the case of offences in connection with Second Class Irrigation Works. On this amendment the Hon. Sir Pherozeshah spoke as follows.

Your Excellency,—My honourable friend Mr. Lalubhai tells us that he found it hard to follow all those who were opposed to his views. I may be allowed to say that I find it very hard to follow the logic of the arguments advanced by my honourable friends Sir Henry Proctor and my honourable friend Mr. Lalubhai. They say that if major works, as provided in the main Act, can have penal clauses in reference to acts of infringement, why not then have the penal clauses made applicable to minor works also; but they forget one thing, that the main Act, so far as that point is concerned with regard to major works, is not before us. ("Hear, hear.") We are not dealing with that portion of the main Act, and because in the

main Act there is what might be considered a dark spot with regard to penalties of imprisonment, I do not see why we should, in dealing with minor works, perpetuate what I consider a great hardship on the class of people to whom these penalties are to apply. My Lord, I have a very strong feeling on this subject. I am sorry that Ali Baba's letters have gone out of fashion and are not read as they used to be in the olden days, where he set forth the hard lot and the despairing resignation with which these men, these *rayats* and cultivators accept their desolate lot under Providence in a spirit of wonderful resignation and wonderful patience. Why, these poor people, *rayats* and others are, My Lord, now-a-days absolutely inveigled—I do not use that term in an invidious way—absolutely covered with a net of all sorts of Acts, Excise, Salt, Opium, Abkari and a variety of things, providing for the smallest thing that can be imagined. Of course, the old days when it was possible to imprison an old woman for scraping earth in which there was a little salt are not likely to return now-a-days, but I think we ought to refuse to involve these people and drive them into a mesh of penal clauses upon every possible occasion. In many respects, by simple forgetfulness, or ignorance or indifference, they do something which is opposed to the strict clauses of an Act of this character. Further there is a great distinction, I venture to assert between major works absolutely constructed by Government and these minor works. These minor works include the smallest possible works, such as a small tank, a well, and with regard to them any default, lapse or negligence is liable to be visited with imprisonment. I say it is hard enough that a fine should be inflicted, but also to be punished with imprisonment is really going too far. If Government are solicitous with regard to these works, I say let them by all means take charge of them and see that they are maintained, but I do venture to put it to the Council whether it is right that these poor men should be made to suffer and made accountable for the smallest lapse and punished with fine and imprisonment. My Lord, it is perfectly true that the sections provide for fine or imprisonment, but we cannot always depend upon the judgment of officers who have to deal with these clauses to see that they are administered without harshness. My Lord, I give the greatest credit to the officials, not only of this Presidency, but of all India, for the way in which they, on the whole, discharge the heavy and responsible duties which lie upon them, but I do speak from a pretty long experience when I say it is not altogether seldom that we come across judicial officers, magistrates and revenue officers, who are obsessed with their own ways of looking at things and are led away in matters of this character in a way which sometimes surprises and sometimes startles ordinary people, who cannot understand that judgment can go so far wrong in cases of which I can give a long catalogue. Therefore, it is, Your Excellency, that I always keenly feel that these people, these *rayats*, these agriculturists, whose lot is hard enough in all conscience in ordinary circumstances, should not be enmeshed, as far as possible, into a net of penalties, fines, imprisonment and a variety of things. Major works, as I have said, may be constructed and maintained by Government, and are already provided for by the main Act. Let it remain as it is, but to go further and to bring minor works, constructed not by Government but

by private individuals and private bodies, within the purview of these clauses, is certainly not just or right. It is not right that, after taking over charge of them, not only the charge and control are taken away practically from these people who really own them, but also their ownership, that there should be thrown on them responsibility in a hundred different ways, directly and indirectly, for infringing the various sections which are put in the Act for the preservation of these irrigation works. I think it is quite enough to take away the right of ownership, it is quite enough that they should be deprived of what was their own "in the public interests," for that is the only argument in support of an Act of that character, but having done so, I pray to God that they should be left alone so far as fine and imprisonment are concerned.

The amendment when put to the vote was lost. The motion for the third reading of the Bill was ultimately put to the vote and carried.

BOMBAY LEGISLATIVE COUNCIL.

FURTHER AMENDMENT OF THE BOMBAY IMPROVEMENT TRUST ACT.

At the Meeting of the Bombay Legislative Council held at Bombay on 16th December 1913, H. E. Lord Willingdon presiding, the Hon. Mr. P. D. Pattani moved the first reading of the Bill further to amend the City of Bombay Improvement Trust Act, 1898. This was a Bill of five clauses, the object of which was to amend the Act so as to provide the Improvement Trust with additional funds for the furtherance of its great work in improving the sanitary conditions of Bombay. Clause 2 was purely formal, the Government correcting a literal inaccuracy in section 32 G. of the Act of 1898. In clause 3 the Government proposed to take the power to increase by two per cent. the duty imposed by the Indian Stamp Act of 1899 on instruments of sale, gift and usufructuary mortgage of immovable property within the City of Bombay and clause 4 provided that the net collection from the increased tax should be paid to the Board of the Improvement Trust.

The Hon. Mr. Pattani having outlined the reasons which had led Government to introduce this Bill, the Hon. Sir Pherozshah spoke as follows.

May it please Your Excellency,—I find myself placed in a rather difficult position, because the notice of motion which I gave really meant that the first reading should be postponed even before the honourable member who is in charge of it had moved the first reading. However, I am not sorry, as he has stated all the reasons which have moved Government to present the Bill in the form in which it has been presented. But I think that Your Excellency and the members of this Council will accept the propriety of the request which the Corporation have made in view of one fact. The Bill is introduced in pursuance of a financial arrangement which was come to between the Government, the Corporation and the Improvement Trust, in regard to the resources to be placed at the disposal of the Improvement Trust. The Corporation were asked to allow various sections the financial sections of the old Act--to be amended for that purpose which took away from the Corporation various benefits which they derived thereunder. It was stipulated both by the Improvement

Trust and the Corporation that having regard to those amendments to which they consented they should be allowed to raise certain other duty by the imposition of a tax on the export of cotton. The negotiations between Government and these two bodies proceeded upon that basis, and nobody ever heard of anything else being substituted for that tax on cotton. Even the last letter of Government assured the Corporation that they were carefully considering this particular proposal which has been made by the Corporation and the Improvement Trust. We knew nothing to the contrary till we received only the other day a letter from Government sending this Bill for the information of the Corporation and telling them that in view of the necessity to strengthen the financial position of the Trust, Government had included in the Bill a surtax on the transfer of property in the City of Bombay. It is altogether opposed to the principles and the policy of the various financial adjustments which had been arrived at between all the parties. I think the request of the Corporation to allow time to send their representation to the Council on this matter is a perfectly legitimate one, because it was never given even a few days' opportunity of pointing out to Government, that it was an entire departure from the understanding which had been come to between the parties. Under these circumstances, I do not propose, Your Excellency, to go into the discussion of the various points which have been put forward by the honourable member in charge in justification of the proposal of Government. There is a good deal which I could say both in regard to the historical aspect into which my honourable friend Mr. Pattani has entered, and in regard to the justification which he has placed before the Council for preferring a surtax on the transfer of property to a duty on cotton. I think it would be wasting the time of the Council if I went into all the details which, I assure Your Excellency, would detain the Council for a considerable period of time. But I take it that my honourable friend has really said that Government are willing to postpone the consideration of the first reading of the Bill, if not till the Corporation makes its representation, but till March. I think the Corporation will be quite satisfied with the postponement till March, and I am perfectly certain that the representation which is proposed to be placed before this Council will be before that period. Then, if I understand that Government are willing to the postponement in that form, I do not think it would be right to detain the Council with any further remarks. I understand that the members of the Council have now taken to the courteous mode of saying that they will consent to a postponement if the Council wishes it. I take it that really means that Government are prepared to accede to the motion for postponement which I venture to place respectfully before the Council, and if that is so, Your Excellency, then I do not propose to take the time of the Council with any further remarks.

H. E. the President quite agreed with Sir Pherozeshah that the Municipality had a legitimate reason for expecting postponement of the discussion on this Bill in order that the Council might get the views and opinions of the Municipality in the near future.

The motion for postponement was then put and carried.

BOMBAY LEGISLATIVE COUNCIL.

TOWN PLANNING SCHEMES.

At the Meeting of the Bombay Legislative Council held at Bombay on 17th December 1913, H. E. Lord Willingdon presiding, the Hon. Mr. C. H. A. Hill moved the first reading of a Bill to provide for the making and execution of Town Planning Schemes. This Bill was an adjunct of the ordinary legislation for Municipal sanitation and provided for Town Planning in advance, that is to say, that instead of waiting till conditions arose which rendered it necessary, at great expense, to demolish and reconstruct, it proposed to take power to authorise local authorities to deal in advance in such a way as to secure that Town Planning took place upon a well-thought-out and definite scheme. The Bill applied in the first instance proprio vigore only to the Island of Salsette and aimed primarily at securing the orderly extension of town areas and it was practically entirely restricted to, or at all events had been drafted, mainly with the object of, dealing with areas not yet fully developed. One of the immediate effects of plague which appeared in Bombay in 1896 was to cause a considerable number of well-to-do people of Bombay to migrate into Salsette and to build houses there which sprang with extreme rapidity without very much regard to order or sanitary arrangement, with the result that considerable inconvenience had been caused. Another feature was the inconvenient shape of the plots of land in Salsette. These were inadapted for building purposes, that is to say their shape did not lend itself easily to schemes of development, except by the very expensive process of acquiring the plots bodily, and that was a process which none of the local authorities in Salsette could afford. In those circumstances, Government had appointed a Special Officer, Mr. Mead, to enquire into the question of colonisation of Salsette and to report on the subject. Mr. Mead's Report resulted in the permanent appointment of an Officer for Salsette which appointment had been held by Mr. Turner, and both Mr. Mead and Mr. Turner might be said to be the originators of the legislation which was now proposed. The real incentive to their proposale was the discovery that, while the Settlement Officers could draw lines across the Map and put up finger posts, they had not the resources nor power for acquiring the land necessary for constructing the roads, nor had they any authority behind them which would enable them to acquire contributions from those benefitting by any such schemes. Clause 3 of the Bill, therefore, described the purposes for which a town planning scheme might provide: viz., the construction, diversion, alteration and stopping up of streets, roads and communications; construction, alteration of buildings, bridges and other structures; the plotting out of lands as building sites, the acquisition of land for open spaces, gardens and so forth: drainage inclusive of sewage and surface drainage, lighting, water-supply, etc. The costs of the scheme should be met by contributions levied on the owners of the final plots in proportion to the increment estimated to accrue to each plot subject to the proviso that the contribution should not exceed half the increment.

This is, in short, the gist of the "Town Planning" Bill which was now before the Council.

The Hon. Mr. Hill having finished his speech, the Hon. Dr. D. A. D'Monte rose to address the Council, when the Hon. Sir Pherozeshah intervened and spoke as follows:—

May it please Your Excellency,—Before my honourable friend proceeds with the discussion on the first reading of the Bill, may I ask Your Excellency to ascertain if the Council would accept the suggestion—I think it is a most desirable suggestion—which has fallen from the honourable member in charge of the Bill, namely, that we should now postpone the debate till March, the whole debate on the first reading? I think it is a very important suggestion which my honourable friend has thrown out and it is really very much better than the motion* of the Hon. Mr. Patel or the amendment† of the Hon. Mr. Godbole. If I may speak on that point, Your Excellency, I may be allowed in the first place just to make one observation. I hope the Council will appreciate to its utmost extent the exhortation which my honourable friend has given it in the guise of an eulogium. I quite understand my honourable friend to say that he expects the Council to enter into the spirit of this Bill in the spirit in which I am perfectly certain the Council will. Instead of exhorting us directly in that way, I think he has chosen a more courteous path of conveying it like a golden pill in an eulogium upon the way in which the Council always discharges its functions. But leaving that alone, I think the Council will agree with me that we are very grateful to my honourable friend Mr. Hill for the admirable, perspicuous and illuminating manner in which he placed an important piece of legislation before this Council. Important as it is, I hope my honourable friend will pardon me for making one observation, namely, that we do not wish to render ourselves liable to the criticism which a great German engineer made at a conference of engineers in London at the time of the introduction of the Town Planning Act upon Englishmen.

H. E. the President:—Order, order. I must really ask my honourable friend to confine himself to the particular matter before the Council as to whether the Bill should be postponed till march.

The Hon. Sir Pherozeshah:—Then, Your Excellency, I beg to suggest that we should now postpone the further debate upon this Bill, as suggested by my honourable friend Mr. Hill, until March. I think it is a most useful course which will give us time to consider, and, as my honourable friend said, digest the Bill of this complexity and originality. It is an absolutely novel Bill and it is in its very nature bound to be complex. It is, therefore, quite necessary that we should have time to consider and digest it for some little time. It has been very useful that my honourable friend should have opened the first reading, because it enables us to consider the Bill in the light of the observations and explanation which he has made. Therefore, I submit to Your Excellency and the Council that it would be very desirable to postpone the further debate on the Bill till March.

H. E. the President:—Government is entirely in the hands of the Council. . . . .

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* That the first reading of the Bill should be postponed until July.

† That certain desiderata should find a place in the Bill which should be redrafted so as to embody in intelligible terms the precise provisions which it was designed to contain.

The motion that the discussian of this Bill be postponed till March was then put to the vote and carried.

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At the Meeting of the Bombay Legislative Council held at Bombay on 14th March 1914, H. E. Lord Willingdon presiding, the Hon. Mr. C. H. A. Hill moved the first reading of the Town Planning Bill. Several honourable members having expressed their views, the Hon. Sir Pherozeshah spoke as follows.

Your Excellency,--My honourable friend in charge of this Bill will pardon me if I begin with a little jarring note, and that is in regard to the circumstance that the present Bill has never been referred to the Bombay Corporation. It is true that the draft Bill first prepared was sent to the Municipal Corporation for its opinion, but that Bill was dropped and the Corporation thereupon discharged the Committee which they had appointed for the purpose of considering it. The present Bill has never been sent to the Corporation for its opinion though it immediately affects them. As the Bill includes the whole of the Island of Salsette in its immediate application, including the Town and Island of Bombay, I think the course is always preferable that when a Bill concerns the intersts of a body like the Municipal Corporation or any other body, it should be specifically forwarded to it for its opinion and criticism.

Having got rid of this jarring note, I must say that I congratulate my honourable friend on bringing before this Council a Bill which I consider is a great step in advance so far as sanitary improvements for housing in the whole Presidency are concerned. I think the time is quite ripe when such a measure should be laid upon the Statute Book for the purpose of meeting the necessities and needs that arise, and that something should be done to provide against unhealthy quarters being run up all over the Presidency, not only in the Island of Salsette. I quite confess that at the same time we have to bear in mind somewhat more than we have yet done, the economic aspect of the working and the operation of a Bill like this. What I mean by the economic aspect I can best illustrate by something which I came to know when the English Town Planning Act, upon which this Bill is very largely based, was being considered. At that time a very influential meeting of a Society of Engineers--I forget the exact name of that body -was held in London, at which engineers and authorities on those points from all parts of Europe were invited and I remember the humorous speech which a German authority made on this subject. He said humorously, but appropriately, that the action of the British legislature in regard to Town Planning reminded him of what used to be said of German ladies who took to French fashions after they ceased to be the fashion in France, and he humorously asked the British public to take care that they were not going to take up the German method after its having been discredited in Germany itself. Leaving aside the humour of the observation, it was founded upon this circumstance that the experience of Town Planning in Germany led some to the conclusion that, though it was a useful and valuable thing for the middle classes, it somehow or other was not of equal value or usefulness to the labouring classes, upon whom Town Planning came rather as a burden than as a relief. Now

I do not say this for the purpose of saying that we should not proceed with this Town Planning Bill. I am saying it only for the purpose of asking my honourable friend, when he sits as Chairman of the Select Committee, to consider the proposals in the light of the burdens falling on different classes. I ask him to carefully consider those provisions, so that in the light of past experience we may be so able to frame the measure that it would be beneficial in the interests both of the middle classes as well as the labouring classes.

I confess I was not able to follow my honourable friend Mr. Parekh in regard to the criticism which he made upon this Bill. If I understood him aright, he said information was necessary before we could see whether we could proceed with this legislation. Well, it struck me that the information which he indicated should be supplied was information relating to all possible Town Planning Schemes throughout the whole Presidency. I do not see what information would be of any use otherwise. Then he confined himself to the Island of Salsette. I think it was really what was passing in his mind, that if Government possessed any schemes for Town Planning in the Island of Salsette, they should be laid before the Council. Now I confess, though very often I agree with my honourable friend Mr. Parekh, and his principles are principles in which I generally agree, I do not even follow his observations in that respect, because it seems to me that we are not considering any specific Town Planning Scheme. We are considering at present only the principles, whether the Town Planning Scheme is a suitable and beneficial measure for the purpose of avoiding that congestion which is admittedly taking place in the greater portion of Salsette.

He said the second point we are considering in this Bill is whether the methods of Town Planning are generally adapted for the purpose of securing our object. If my honourable friend thinks that those methods should be modified or should be more adapted to the circumstances prevailing in Salsette, the proper time is when the scheme is really before the public for consideration, and in that respect I would ask my honourable friend, the member in charge of the Bill, to see that he deals with it in some way by which the Town Planning Scheme may be placed before the public. Might it not be a good idea that schemes for Town Planning for any particular quarter should be laid before the public for their consideration before any definite steps are taken in regard to them? I know there is a clause which says that, when the authority has come to the conclusion that the Town Planning Scheme is necessary for a whole area, some time should elapse within which various subsequent processes are to take place, but I should like that in a country like this, which is new to a Bill of this character, some time should be given to the parties concerned to say whether the Town Planning should take place or not. I only throw out this suggestion for the consideration of my honourable friend when he comes to a detailed discussion in the Select Committee.

Now, Your Excellency, so far as the very clear and exhaustive speech of my honourable friend at the time of introducing this Bill was concerned—and I was very

glad to receive a copy of a separate reprint of his speech—I quite understood it at the time, and I carefully read the speech when it came to me in a separate printed form. From what is stated on page 3 of that pamphlet, and he has put it in very clear language, he says :—"Having made it clear, then, that the scope of this Bill is aimed, not only primarily, but I might almost say entirely, at the object of extending towns, of dealing with areas which Municipalities may desire to take up for the purpose of extension in an orderly and satisfactory manner, and not for dealing in congested areas." I think this is a very accurate summary of the objects for which the Town Planning Bill is, not only primarily but almost exclusively, intended. But, then, Your Excellency will observe that, so far as the provisions of the Bill are concerned, they are applicable to every Municipality, and every suburban area and every possible place in the Presidency of Bombay, because in the first place though it says insinuatingly, if I may say so, that its application shall extend in the first place to the Island of Salsette, it contains an important section which places the whole Presidency, every Municipality and every suburban area at the mercy of the Act. It goes on to say that Government may by notification in the *Government Gazette* direct the extension of the Act to any part of the Bombay Presidency, so that the provisions of the Bill may be applied by Government to any and every part of the Presidency. Now that does not seem to be quite in harmony with the summary I have just read with regard to " not only primarily but almost exclusively," etc., which my honourable friend says in his speech to be the main object of the Town Planning Bill. Further, when we come to the Municipalities which are called Local Authorities, there is one important section to which I wish to call Your Lordship's attention, which is section 8. That section says—(Reads). Your Lordship will see that under that clause it is not only that the local authority with the sanction of Government can determine upon a Town Planning Scheme, but it also may be ordered by Government to prepare a Town Planning Scheme, so that, after all, the whole working of the Act is placed entirely in the hands of Government. Now I think that this provision ought to be very seriously considered. Take the instance of the City of Bombay. I should venture to say that it would be a most inappropriate and a most disastrous thing that the provisions of the Town Planning Bill should be applied to some of the congested areas within the already existing City of Bombay. The Corporation, I know—at least a large number of members of the Corporation—are of opinion that, so far as removing the congestion of the City of Bombay is concerned, the remedy should not be by applying the Town Planning Bill, but that the remedy ought to be taken in a different manner, into the details of which I do not propose to enter at present. But I think that something should be done which would safeguard the local authorities from being ordered to embark upon schemes of that character. My honourable friend, with his usual policy of give and take—though yesterday he did not give us a proof of that, but I know that he has generally distinguished himself by the liberal manner in which he realises his duty in carrying out the policy of give and take—has already referred to that point in his speech on the present occasion. He said all the points will be

considered in the Select Committee. I go so far, My Lord, as to hold that the power of introducing the provisions of a Town Planning Bill of this character in the heart of the City of Bombay should not be given to the naked vote of the majority even of the Bombay Corporation. However, those are things which my honourable friend was kind enough to say will be carefully and deliberately considered in the Select Committee; and I am perfectly certain that needs his guidance,—and I know what his guidance on an important Committee means—therefore, I hope that this matter will be carefully and deliberately considered before it is finally put into the report of the Select Committee.

With these observations, My Lord, I congratulate again my honourable friend in charge of the Bill on having taken, by bringing this Bill into this Council, a very great step—a very valuable step—in the work of co-operating in the object of improving the sanitary condition of housing in the whole of this Presidency. If properly worked, if worked cautiously, and if worked always in the spirit of co-operation, about which my honourable friend has been often recently speaking (though I take one exception to it, that we have not always been strangers to the doctrine of co-operation in the City of Bombay which has attained its present greatness, because as remarked by Sir William Hunter in his account of Lord Reay's administration, " all communities, European and Indian, worked together in hearty and harmonious co-operation for the welfare of the city "), if worked in that hearty spirit of co-operation and, I repeat, if worked properly and cautiously, I am perfectly certain that if we put such an Act on the Statute Book it will be for the perpetual and permanent benefit of all classes of the people in the whole Presidency.

The motion for the first reading of the Bill was then put to the vote and carried and the Bill was referred to a Select Committee consisting of seventeen honourable members including the Hon. Sir Pherozeshah Mehta.

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At the Meeting of the Council held at Bombay on 8th December 1914, H. E. Lord Willingdon presiding, the Hon. Mr. Hill moved the second reading of this Bill. Several honourable members having spoken, the Hon. Sir Pherozeshah said:—

May it please Your Excellency,—I only desire to make a few observations with regard to the second reading of this Bill. It is a new piece of legislation, and I am very glad that this Presidency takes the credit of initiating it before any of the other Presidencies.

My honourable friend Mr. Hill spoke in very flattering terms of the assistance which was rendered to him by the very large Committee which sat as the Select Committee for the consideration of this Bill. My honourable friend Mr. Patel was rather inclined to carp about the representative character of the Committee, but I think that the description given by my honourable friend Mr. Parekh was a juster one than the carping one given by the Hon. Mr. Patel. He called it a " large and strong

Committee," and I think it was a large and strong Committee, and my honourable friend in charge of the Bill was quite right in saying that it was really a record-breaking Committee. He said that the assistance that it had rendered him was of a large character, was very valuable. That observation requires to be supplemented by another, and it is this, that I think the Committee was very fortunate in possessing my honourable friend Mr. Hill as its Chairman. I am speaking from some little experience when I say that Mr. Hill makes an ideal Chairman of Committees, for this reason that, while he is a strong and firm-minded person, as we have reason to know, he is also one always open to reason and possesses a judicial frame of mind, and always places himself in a judicial position to take into consideration the views of those who differ from him, and it seems to me that it is one of the characteristics which makes a Chairman absolutely invaluable in conducting the deliberations of an important Committee. Therefore it is that I am glad to be able to say that the Council is very grateful to the Committee and its Chairman for their indefatigable and arduous labours in the consideration of this Bill.

My Lord, I congratulate my honourable friend Mr. Hill in steering this very important Bill to a safe haven. He has steered it successfully in spite of what has been said by the Hon. Mr. Patel and the Hon. Mr. Parekh. I venture to think that if there were any doubts about the merits of this Bill, they would all be removed after hearing Mr. Patel. For what did his speech amount to? Mr. Patel first spoke against the representative character of the Committee. Well, I believe, there were seventeen members on that Committee. Seventeen members of this Council, I think, whoever they may be, whether they come from the Southern Division or the Northern Division, or from any other part of the Bombay Presidency, may well be trusted to consider a Bill of this character in all its bearings.

Then, My Lord, what were the other objections which led the Hon. Mr. Patel to conclude his speech by saying that he entered a protest against the passing of this Bill? They were about the constitution of the Notified Areas Committees and the grievance of Salsette that it should have been put in the forefront in the operation of this Act. Well, the only objection he advanced, was a joke. He is a lawyer, and I suppose that nobody knows better than he does that clause (j) to which he referred applies only to certain specific purposes. I am sure he was joking when he made the observation that because clause (j) is introduced in the Bill for a certain special limited restricted purpose, as it is introduced in other Acts, for the purpose of enabling the operation of the essential parts to be carried out unfettered by any local by-laws or rules and such other things, that we may as well abolish this Council. Well, that was all the criticism which was levelled by Mr. Patel against the Bill. Therefore it seems to me that the vindication of the Bill really comes from the mouth of the Hon. Mr. Patel himself.

As to my honourable friend Mr. Parekh, although he always speaks very moderately, still it seems to me that he advanced nothing which could be said to go against the essential character and the essential principles upon which this Bill is

founded. He said that the basic principle is that if a large number of land-owners want sanitary and other improvements and if a minority comes in their way, the Local Government may well be trusted to allow the will of the majority to prevail. I think my friend Mr. Parekh forgets that the essential principle goes a great deal further than that. It is to protect the general rate-payer from bearing burdens which really ought to fall on those who derive advantages from improvements. It is for the purpose of preventing large areas of land from being as if it were misapplied from its proper purposes. All these are very important considerations in the progress of a rising village or a rising space of land, and therefore it is that in the interests of the whole people, of all those who are responsible for the finances, that it is necessary that only a few land-owners should not be allowed to aggrandise themselves and to benefit by betterment which takes place at the cost of the general rate-payer. This question of betterment is a very large question with which we have not been able to deal in the past. In Bombay a large number of private individual land-owners derive benefit from moneys spent by the general rate-payer without contributing anything themselves really to it, and that has been always most unjust and inequitable. We have been perpetually making efforts to see that people whose lands are bettered by the improvements made at the cost of the general tax-payer should not altogether escape with impunity. That is one of the cardinal and essential principles upon which the Town Planning Acts are founded. Therefore it is most useful and valuable that they should be applied to all growing places like Salsette, and Salsette was selected and specially mentioned because it presents incidents and phenomena which make it very easily accessible to all the benefits of an Act like the present.

My Lord, I entirely approve of this Bill. But when one remembers that it is a new and novel piece of legislation, that it is the first of its kind in India, where it has been never tried before, that it has been tried in other countries with varying success, it is important that its application to India will be carefully watched, and I do trust that in its application, Government will see that the utmost care and the utmost caution are exercised. All Bills of this character, all Acts of this character, depend for their ultimate success, not upon the mere wording of the Act itself but upon the way they are practically administered, and I have no doubt that Government will see that this new piece of legislation in its application is watched with care and with caution. With these few words, Your Excellency, I congratulate, I say again, my honourable friend Mr. Hill in steering this important and valuable piece of legislation to a safe haven.

The motion for the second reading of the Bill was carried and the latter was then considered clause by clause.

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At the Meeting of the Council on 9th December 1914, the Hon. Mr. Hill moved a small amendment. The Government of India while approving generally of the Bill had made certain comments, inter alia, on the subject of designating a Judge of the High Court in virtue of that office as President of the Tribunal and this amendment, it was hoped, would meet the

views of the Government of India. It was proposed to substitute the following words in clause 33, in place of those which find place in it, viz., "a person who holds or has held office as a Judge of the High Court of Judicature to be appointed by the Chief Justice."

On this amendment Sir Pherozeshah spoke as follows.

Your Excellency,—I have very great respect for the extremely painstaking zeal of my honourable friend Mr. Upasani. But I trust he will not consider hair-splitting a portion of that painstaking zeal. It seems to me that on this occasion he really has been splitting hair. He says that there is an essential difference between a judge appointed as a judge and the same man appointed not as a judge but as one selected for the purpose of carrying out the functions of a judge. It seems to me that the object which the Select Committee had in view and which the Council has in view is to see that there is a person of a certain status and of certain qualifications who is appointed as President of this important body. If that object is secured we get all that we want.

Now my honourable friend Mr. Setalvad I thought, when referring to the point which he raised, was going to compliment the Government on the self-denying ordinance placed on themselves by my honourable friend Mr. Hill and Your Excellency's Government. (Laughter.) Instead of taking the power in their own hands to nominate a retired judge themselves, they have left the nomination to be made by the Chief Justice. When raising his point, it was easy to observe that my honourable friend Mr. Setalvad was very much puzzled to say where the power should be—whether the power should be taken away from the Chief Justice and given to Government. I think we can leave the matter as in the amendment suggested by my honourable friend Mr. Hill. I think we can well trust them when they deny themselves the power of appointing a judge and give it to another person. It seems to me that the amendment proposed by my honourable friend should meet the full approval of the Council.

The amendment was carried and the Bill was read a third time and passed.

BOMBAY LEGISLATIVE COUNCIL.

LEGISLATIVE MEASURES IN THE COUNCIL.

At the Meeting of the Bombay Legislative Council held at Bombay on 17th December 1913, H. E. Lord Willingdon presiding, the Hon. Mr. V. J. Patel moved a Resolution regarding the introduction of legislative measures in the Council. The Hon. Sir Pherozeshah spoke as follows.

Your Excellency,—I hope my honourable friend Mr. Patel will pardon me for saying that I am somewhat amused at the ingenuity which he has displayed in the wording of this Resolution. He has asked—

"That this Council recommends to H. E. the Governor-in Council that, except under special and extraordinary circumstances no important legislative measure be introduced in the

Council, unless the same is announced in the Government Gazette three months prior to its introduction."

Now if my honourable friend had had as much experience of these matters as I have had, he would have found that people can honestly put a variety of interpretations upon these words "special and extraordinary circumstances." If you want to bring a Bill within three months, nothing is so easy as to bring ourselves into the belief that "special and extraordinary circumstances" do exist. I will give him a little bit of my experience in this matter. In the Bombay Municipal Act there is a clause which enables a matter to be brought without notice as an urgent matter by the Commissioner or a member of the Standing Committee saying that it is urgent. Now I have had experience of the working of that clause for a number of years, and I find the result is that the most trivial matters are considered, not only by the Commissioner but by the Corporation, as of the most urgent importance. But leaving that alone, Your Excellency, I must confess that the Resolution which my honourable friend has brought shows to me that he has misconceived the remedy for the evils about which he has complained. It is not that the Bills should not be brought till after three months prior to their introduction, but I think the remedy for the state of things which is certainly disclosed in a somewhat startling character, is the course which has been introduced into this Council within recent days. I am sure the members of the Council are very grateful to Your Excellency for the free atmosphere you have introduced and for what Your Excellency said yesterday in your opening remarks, and it is in the same spirit that I appeal to Your Excellency to give members time for the real consideration of the legislative proposals which Government may bring before the Council. The course that has been followed in regard to the Town Planning Bill, namely that the speech on the first reading should be made and the debate postponed is a very good one. It enables the members of the Council to really go into the reasons, real reasons, which have prompted Government to undertake that legislation. If the debate on the first reading is postponed, it enables members to consider the different provisions. That, I think, is a real remedy for the state of things against which my honourable friend Mr. Patel has been protesting. I think it is a far more useful course to allow Bills to be introduced within the time fixed by the rules and then, if necessary, if the importance of the Bill requires it, to postpone the debate on the first reading to a later date. I think that would be of far greater use to members than not having the introduction itself placed before the Council. Take the present instance, the Town Planning Bill. The course which Your Excellency and the honourable member in charge of the Bill have adopted of placing before the Council the reasons, the object, the scope and the nature of the Bill will be of the very greatest assistance to the Members when they come to consider the provisions and principles of the Bill before they speak on the first reading. It seems to me that that is a far better course than that which my honourable friend proposes.

I would, therefore, venture to suggest to my honourable friend that, so far as his Resolution is concerned, he should withdraw it and leave it to the free spirit

which has animated His Excellency and the members of this Council to follow the course which they have now sat on on all proper occasions as the proper course to be followed. It seems to me that members of the Council will have far better means of discussing, considering and studying the details of the Bill in that way than by the course which my honourable friend has suggested. I would, therefore, Your Excellency, suggest to my honourable friend that he should withdraw the Resolution, leaving the new spirit to work itself as it has worked already in more than one instance.

Several honourable members having spoken, the Hon. Mr. Patel said:—Your Excellency,—In view of the observations made by the Hon. Sir Richard Lamb and the Hon. Sir Pherozeshah Mehta, I beg to withdraw my Resolution.

The Resolution was then by leave withdrawn.

ELPHINSTONIAN SOCIETY DINNER, 1914.

EDUCATION IN INDIA.

The 2nd annual Dinner of the Elphinstonian Society took place on 7th March 1914 when about 140 Elphinstonians sat down to dinner. The Hon. Sir Pherozeshah, who, on rising to address the assembly, was loudly cheered, gave the toast of the chief guest of the evening, Lord Willingdon, the Governor, as follows.

Gentlemen,—As one of the oldest and perhaps as some candid friends would like to suggest, one of the most antiquated Elphinstonians now in existence, I am called upon to propose the toast of our honoured and distinguished guest of this evening, His Excellency, Lord Willingdon, Governor of Bombay. (Loud cheers.) We are grateful beyond measure to His Lordship for his presence here on this occasion, a presence which we have learned to realise, brightens up with inspiring hope and kindly sympathy every function on which it is bestowed. (Cheers). But there are deeper and more serious reasons for our thankfulness. I remember that just over 25 years ago* when His Excellency's great predecessor, Lord Reay, came formally to instal this College in its present habitation, I ventured to point out in proposing a vote of thanks to him, that the cause of education,—of literary education as it has been the fashion to describe it with a shrug and a sneer, but which I prefer to call by its old-fashioned but true name of liberal education—(Cheers) - might be compared to a tempest-tost bark in mid-ocean. That comparison still holds good with regard to the education of which this College is the chief and the oldest seat in this Presidency. It can even be said that after a short lull, the gale has been blowing more fiercely than ever before. I say now what I said then, that the vessel is a stout vessel which will weather the storm. (Cheers.) But it cannot be a source of inexpressible relief, blended with a sense of security that we should have amongst us at this juncture one who, like His Lordship, has been reared and trained up in one of the great English public schools, and in one of those great

seats of learning and of broad and liberal culture which have played so important a part in achieving the greatness of England and who can therefore realise what has been so well pointed out by Lord Morley and by Lord Haldane in some of their recent addresses, that specialisation can be based, and most effectively and most honourably based, on a preliminary foundation of broad and liberal culture. (Cheers.) But our thankfulness for His Excellency's presence does not end here. It is not a little gratifying to us that His Lordship's presence here to-night enables us to add the name of one who has already won the affection and esteem of the people of this Presidency by repeated proofs of the deep and active interest and concern which he takes in everything conducing to their welfare, progress and development in a variety of directions—(Cheers)—to the long list of distinguished men whose connections with this College as promoters, founders, benefactors, or well-wishers is remembered and cherished by us with honour and respect. That list is an illustrious one. The memory of the great statesman from whom this College derives its name is reverently enshrined in our hearts. (Loud cheers.) In these days when we hear so much of "The Indian Peril" and the perils of education, I cannot resist the temptation of repeating the story I have often repeated before—perhaps you will think it is to me like King Charles' head to poor uncle Dick—which is related of Mountstuart Elphinstone by General Briggs who served under him at the time of the 2nd Mahratta War. "Finding in a corner of his tent one day," says General Briggs, "a pile of printed vernacular books, I asked him what they were meant for." "To educate the natives," said he, "though it may be our high road back to Europe." Then says General Briggs: "I told him that I wondered that he, as Governor of Bombay, should have set it on foot. He graciously replied 'we are bound under all circumstances to do our duty by them.'" ("Hear, hear.")

Gentlemen, it cannot for a moment be imagined that such a strong and sagacious statesman and administrator should have been indifferent to the question of the safety and stability of British Rule in India. But we understand what he meant, that the path of duty was equally the path of glory and of wisdom. (Cheers). Our education has taught us that the integrity and stability of British Rule is founded on a bed-rock,- the bed-rock of the fact that it is indispensably essential for the circumstaces, the needs, the requirements, the necessities of the country, and that in the inscrutable dispensation of Providence, the task is entrusted to it as the most suitable agency for moulding and guiding the lofty destinies of this great and magnificent land of ours. I have left myself no time to speak of the other great men connected with this College, particularly the great teachers who have left indelible marks on the lives and characters of so many of its students, such as Sir Alexander Grant, Dr. Wordsworth, Dr. Selby, Mr. Hawthornthwaite, Mr. Macmillan and many others. I am sure it will do Your Excellency's heart good to hear, as I have heard and still hear, the warm expressions of attachment, love and veneration with which these names are particulary remembered by those who have been under their influence and teaching. That teaching has not been merely what is called secular, but of high

moral and spiritual value. But I must leave this subject or I may never finish. I will content myself by quoting an observation I read only the other day in Lord Morley's speech at the Manchester University :—"I count those critics not wrong who say that Goldsmith with his Vicar does more for what is best and kindest in human nature than hundred preachers and hundred sermons." We are thankful to be able to add Your Lordship's name to this illustrious roll as of one, who, trained in that great school of public life,—the British House of Parliament,—has already given proof of the highest statesmanship which has distinguished some of Your Lordship's noble predecessors whose memory is for ever enshrined in the hearts of a grateful people. (Loud applause).

I now ask you, gentlemen, to drink cordially and enthusiastically the toast of our distinguished guest His Excellency Lord Willingdon.

BOMBAY MUNICIPAL CORPORATION.

ITS COMPOSITION IN ITS EARLY DAYS.

At the Meeting of the Bombay Municipal Corporation held on 9th March 1914, the Hon. Sir Pherozeshah said :—

Mr. President,—I have been destined to-day to move Resolutions of some sad event or another. The Proposition I now beg to move is—

"That the Corporation have learnt with regret of the death, on the 7th February 1914, of Mr. (Nanabhoy) Byramjee Jeejeebhoy who, besides taking a prominent part as a public citizen in all civic affairs, rendered useful services to the city as an active member of the Corporation for 17 years, and as a member of the Town Council for 14 years. That a copy of the Resolution be forwarded to the family of the deceased with an expression of the Corporation's sympathy in their bereavement."

Mr. President, few members of the Corporation, perhaps none except, I believe, my friend Mr. Wacha who has always been by my side, have any idea as to what a prominent figure in the civic and municipal life the late Mr. Nanabhoy once was. He was not only an active member of the Corporation and the Town Council for years but zealous and spirited as he was, he helped the cause of progress in the city in every direction. The mere mention of the fact that is incorporated in the Resolution that Mr. Nanabhoy had been a member of the Corporation for 17 years and of the Town Council for 14 years shows his long connection with this body. I remember having been associated with the late Mr. Nanabhoy since the early seventies when he took a keen, prominent and an intelligent part in the Municipal administration of Bombay, he being one of those stalwarts who fought hard to maintain the independence and the integrity of the Corporation. In those days Indian members like Raghunath Khote, Vishwanath Mandlik, Nanabhoy Byramjee and others worked side by side with the European members with great zeal, ability and independence.

But times are now changed. It is a pity that Government at the present day nominate on the Corporation men who in their representative capacity are not what they used to be in olden times. In those days a representative of the Grant Medical College used to sit on the Corporation where he always rendered very useful public service; then there were editors of Bombay papers,—men like Robert Knight, Henry Curwen, Martin Wood, and Grattan Geary; Professors of Colleges of whom Dr. Peterson was a very prominent figure; representatives of the military element—men like Major Selby and Major Martin,—all of whom worked hand in hand with Indian members to maintain the honour and the integrity of the Corporation. They were indeed men of culture and abilities who helped the municipal work by setting before themselves high ideals of civic life and Mr. Nanabhoy was one of them—a most influential and active member of his time, a valuable colleague of eminent citizens like Mandlik, Khote, Narayan Vasudev and Nowrozjee Furdoonjee,—all of whom worked in a spirit of moderation and devotion for the welfare and progress of the people and whose inspiration enabled the members to go forward in helping the municipal administration of the city. Mr. Wacha has just said that Mr. Macdonald is a buffer, a sort of a bridge,—so was the distinguished Mr. Nanabhoy, a sort of a connecting link between the native and the European community, and acted as an intermediary when there was a difference of opinion between the two communities and his influence was so paramount that it was always sought for whenever a difficult problem confronted itself. Personally I feel his loss keenly for he was my former colleague and a valued friend, who worked conscientiously for the good of the city with a singleness of purpose and who gave her his best in an ungrudging manner. In him I have indeed lost an old and an esteemed friend. The harmony and goodwill with which we two worked together will never be forgotten by me. I hope and trust that the Corporation will remember the past and valuable services of Mr. Nanabhoy and join in the Resolution of Condolence.

BOMBAY LEGISLATIVE COUNCIL.

AMENDING OF THE DISTRICT MUNICIPAL ACT.

At the Meeting of the Bombay Legislative Council held at Bombay on 17th March 1911, H. E. Lord Willingdon presiding, the Hon. Mr. P. D. Pattani moved the first reading of the Bill further to amend the District Municipal Act of 1901. These amendments could roughly be divided into two classes, namely, those that arose out of the growing importance of certain cities which made it necessary to assimilate their Municipal administration more closely to that of the City of Bombay. The second treated of the defects which had been brought to light in the practical working of that Act. In the first class came the provisions for the appointments of Municipal Commissioners for cities with a population of 150,000 and above. These provisions were optional and it was not obligatory that they should be appointed at once. Sections 15 and 16 dealt with the permanent disqualification of a Municipal Councillor if he misbehaved or misconducted himself during a heated discussion of a Meeting without his being given the option of resigning his seat as a Councillor.

On this Bill, Sir Pherozeshah spoke as follows.

Your Excellency,—An amended Bill of the sort of the District Municipal Bill is not one which can only be discussed or debated upon the principles running through it. Each amendment really stands on its own merits and its own footing, and has to be discussed on its own account. But there are only two points included in these amendments on which I shall wish to offer a few observations to the Council. The first is about the attempt which has been made for the first time to introduce the system of the Bombay Municipality and to apply it to the largest towns in the mofussil. I have always held that that is the procedure which Government were bound to come to at some time or other. The only question is whether the Municipalty is one to which the system can be profitably applied and that depends upon the position and the resources of the Municipality whether its resources are of a character which would enable it to employ a Municipal Commissioner of that sort through whom alone a system, like the system of the Bombay Municipality, could be properly worked. In the Bombay Municipality the system has worked well, because, the resources of the city are capable of engaging the services of an officer of high standing, experience and reputation. It is absolutely necessary for working a system like that in which the executive power is placed in the hands of one responsible officer called the Municipal Commissioner that he should be a man of great probity, knowledge and experience. If that were not so the experiment is bound to prove a worse failure than the present system in the mofussil. Therefore it is necessary to see in the case of these Municipalities in which it is proposed to apply the provisions, whether the Municipality has adequate resources for the purpose. Of course it is for those who are conversant with the conditions and circumstances of the mofussil Municipalities, to point out whether such provisions could be made applicable to them. I suppose, that is a point which will be carefully considered in the Select Committee, whether there is any town in the mofussil which has arrived at that stage of financial capacity under which it can have the new system applied to it.

The other point to which I should like to refer is that which is referred to in the Statement of Objects and Reasons and it is this. With regard to the amendment of section 15A, the Statement of Objects and Reasons says—(Reads).

Now, Your Excellency, section 16 of the District Municipal Act says—(Reads).

Now it seems to me that the statement which is given in the Statement of Objects and Reasons with regard to the amendment of section 16 misconceives altogether the scope and object of section 16. Section 15 was not introduced for the purpose of placing a penalty upon an erring Councillor, but for the purpose of getting rid from the Municipality of a person who has proved himself of the character which is described in section 16. In case he was not there, in case he had resigned, it was not intended that that section should be applied for the purpose of putting a stigma upon him. That being so, it seems to me that the object which is sought to be gained is not an object which is in consonance with the purpose described in section

16 which is really put upon the Statute Book. The object was that if a Councillor was considered as having misbehaved himself in that Municipality, there should be some way of getting rid of him under the District Municipal Act, applying the remedy of putting the responsibility upon the Governor-in-Council of removing that erring Councillor. It was not, as I said, for the purpose of placing the penalty upon him and, Your Lordship will see that that must be so. Because, that is done without any judicial trial. If it was ever intended that that section was to be used for the purpose of placing a stigma upon the erring Councillor of having been guilty of misconduct or incapable of performing his duties, I am perfectly certain that even Indian Legislation would not have allowed that to be done without giving an opportunity for a man to be placed upon his trial and defending himself in an open judicial manner. It was because that was not so, that a certain executive power is given to the Governor-in-Council for the purpose of ridding the Municipal body of a person of that character. Therefore, I must strongly protest against the attempt which is made to shackle individual liberty of a person to resign any place which he has entered. If he chooses to resign at any time I submit that he ought to be at liberty to do so. The resignation is open to him at his own will. I can well imagine cases—I have had large experience in Municipal affairs—in which a Councillor has erred, and, his action required that something should be done as to his conduct, but the way is open to the Municipality for the purpose of attaining that object. And I have once or twice seen it done in the Municipality of Bombay, that is, by passing a resolution, that such a person who has acted in a particular manner, has acted in a manner which according to the opinion of the Municipality is liable to grave censure or such just description as might occur to the Municipal body as necessary or desirable. That object can be gained in that manner. But if a section is introduced like the one preventing his resignation as it were and putting an indirect stigma by saying that he is expelled from the Municipality, I submit that course is not in consonance with the right of individual liberty or of justice or in the interests of the Municipalities themselves. If a person is to be prevented from resigning, we in popular parlance very often say that the resignation does not take effect till it is accepted. But Your Lordship will find that when we come to concrete instances there is nothing of that sort. A man has the fullest right of resigning his functions which he has for himself undertaken. It seems to me, as I say, if he has done anything which is wrong or which is reprehensible, steps should be taken for the purpose of marking the sense of the body and to pass a resolution to that effect. I should have no objection to such a course, for in the Bombay Municipality there have been a few instances where such a course was resorted to. But I have never seen that a member could be prevented as it were from resigning whenever he chose to do so. I will ask my honourable friend in charge of the Bill to consider this question very carefully and very seriously in the Select Committee. I do not think we ought to make it harder for a Councillor—whether official or non-official, elected or nominated—to do his duty according to the best light, on these Municipal bodies, by placing him at the mercy of an indirect

stigma of that character. I am quite ready to admit that if a man deserves it in proper circumstances—that a stigma should be placed upon him—he must have the right of an open judicial trial before you place a direct stigma of that sort upon him. I only throw this suggestion out for the purpose of enabling the honourable member in charge of the Bill and the members of the Select Committee to devote their attention—very careful attention—to the amendment which is proposed in that part of the Act.

The motion for the first reading of the Bill having passed, the latter was referred to a Select Committee.

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At the Meeting of the Council held on 28th July 1914, the Hon. Mr. Pattani moved the second reading of this Bill. Having regard to the criticisms of the Bill at its first reading with reference to the resignation of a Councillor, the clause in dispute was modified so that acceptance of the resignation by the President of the Municipality was no longer necessary. The Committee also reduced the limit of 150,000, entered in the Bill as read a first time to that of 100,000 in accordance with the suggestions made at the first reading of the Bill.

Several amendments proposed by honourable members having been considered the Bill was ultimately read a second and a third time.

SANITATION IN INDIA.

H. E. Lord Willingdon laid the foundation-stone of the Bombay Sanitary Institution Building on 24th March 1914. In asking His Excellency to perform the ceremony, the Hon. Sir Pherozeshah spoke as follows.

Your Excellencies, Ladies and Gentlemen,—As Vice-President of the Bombay Sanitary Association, it falls to my lot to welcome Your Excellencies as heartily and as cordially as you have been welcomed everywhere throughout the city during the last few weeks, and to ask Your Excellency to lay the foundation-stone of this new building. It is clear from the Report just read by Dr. Turner*, who, I venture to say, is the first Health Officer in India—(Applause)—and of whom we are proud as one more feather in the cap of the city which claims to be the first in India, first in everything,—that the credit for this Institution belongs to this indefatigable gentleman himself. But the most essential part of this credit lies in this, that Dr. Turner, soon after he joined the Municipality, recognised that we could make sanitary laws and take sanitary measures, but if we tried to compel people to obey and carry them out, we would never succeed thoroughly and fully until we had trained and educated them and made them acquainted with sanitary requirements.

Ladies and Gentlemen, the building of which His Excellency is about to lay the foundation-stone, will provide a local habitation for the Association and I think we might have a more suitable name and a motto. I say we might have a more

* Dr. J. A. Turner, M D., D.P.H., C.I.E., Executive Health Officer, Bombay Municipality.

suitable name, because, after hearing Dr. Turner's Report, you must have perceived that this is really a Sanitary Mission and we are providing a Sanitary Mission House for the purpose of carrying out the work. It seems to me that instead of Sanitary Association, it might be more appropriate to call it the Sanitary Mission of Bombay, and this building the Sanitary Mission House of the City of Bombay. Then too we might have a suitable motto and in this connection I am reminded of the great Lord Beaconsfield who, in one of his memorable speeches, pointed out that the great need of the present day was Sanitation, and, referring to the old proverb of the wise King Solomon, "Vanity of vanities, all is vanity," humorously remarked that the wise King had probably been misreported, as we are all apt to be misreported even in these days of shorthand. Lord Beaconsfield stated that what King Solomon probably said was not *vanitas vanitatum, omnia vanitas* but *sanitas sanitatum, omnia sanitas.** (Applause). It seems to me that this would be an appropriate motto for this Institution.

Ladies and gentlemen, it is an irony of fate that we of the East should be so thoroughly backward in regard to sanitary movements when we remember that in the days of our ancestors it was the people of the East who were remarkable for sanitary progress and sanitary improvement. All the religions of the East applied themselves to sanitary laws, and every religious code in the East prescribed cleanliness and sanitation. If we go back in history, we find that the European nations who are now so forward, were very much otherwise in the good old days. Historians have pointed out that in the dark middle ages, Europe was for a thousand years absolutely unwashed. It was the East, through Anglo-Indian officers sent back from India, that taught the West the great benefits of daily baths. (Laughter). The time has surely come when we in the East must make an effort to take all measures necessary for sanitary improvement and progress. It is not enough to be satisfied with personal cleanliness but we must try and march with the times. Conditions have changed, new circumstances have arisen, and we must endeavour to educate and train our people to higher ideals of sanitation. The work that Dr. Turner has undertaken is indeed a great and a noble task—to educate the people *out of* their own ideas and *into* new ideas of cleanliness and sanitation. This building is meant for this missionary work and I call Dr. Turner the Missionary of Sanitary work in this City. We all wish him every success in this field of his new enterprise and I have not the slightest doubt that his efforts will bear rich fruit in times to come. ("Hear, hear.")

I now call upon His Excellency Lord Willingdon to lay the foundation-stone of this House for the Sanitary Mission. (Cheers.)

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* In a speech at the meeting of an agricultural society at Aylesbury, in 1864, Lord Beaconsfield quoted the observation of a very great scholar, that, in his opinion, the declaration of the wisest of mankind, "Vanity of vanities, all is vanity," was not a misprint, but a mistake of the copyist, and that he believed that the words were not *Vanitas vanitatum, omnia vanitas*, but *Sanitas sanitatum, omnia sanitas*. This caused a member of the Liberal party to characterize the views of the opposition as "a policy of sewage."

BOMBAY LEGISLATIVE COUNCIL.

DEATH OF LADY HARDINGE.

In opening the proceedings of the Bombay Legislative Council held at Poona on 27th July 1914, H. E. Lord Willingdon referred to the sorrow that had fallen on the whole of India at the death of Lady Hardinge and expressed the sincere and heartfelt sympathy of the Council with the Viceroy in his great grief. The Hon. Sir Pherozeshah thereupon spoke as follows.

May it please Your Excellency,—Your Excellency has spoken in feeling and touching terms of the great loss sustained by His Excellency Lord Hardinge as well as the whole country by the death of his great and noble consort. I trust Your Excellency will allow a formal resolution to be moved to enable the Council to associate themselves with Your Excellency and the people of this Presidency in the universal mourning in which the country is plunged. Under the most ordinary circumstances the death of the Viceroy's wife would evoke keen feelings of sorrowful sympathy and sincere condolence, but when the Viceroy is one whom we have learnt to appreciate, to honour, to admire and to love for his goodness and his greatness, for his nobility of heart and soul, as we have learnt to appreciate and admire and love Lord Hardinge during the last four eventful years of stress and strain, and when his noble consort whom he has lost, was a great and good lady like Lady Hardinge who loved the people of India and worked for them with untiring and beneficient energy, it can well be imagined how deeply our hearts are moved beyond the power of expression and description at so terrible a bereavement. That most pagan of English poets has bitterly moaned over "the mystery of the cruelty of things." Lord Hardinge's touching and tender message to the people of India shows with what supreme and noble resignation he has bowed to this heavy stroke of fate like the great Christian gentleman that he is. Gentlemen, it is said that the wives of Viceroys and Governors can do valuable social work which is of great help to their husbands in their higher administrative functions. I venture to say that when they make the people of this country feel that they love them and work for them out of that feeling of love, they do the most invaluable political service by promoting and strengthening the ties of loyalty to the Crown as few things could do. We respectfully join Your Excellency in the prayer that the strength and courage which have so conspicuously marked Lord Hardinge's character, may be vouchsafed to His Excellency in a fuller measure to bear up under the burden of his heavy loss and grievous bereavement. I now beg to move :—

That this Council wishes to place on record its profound sorrow at the lamented death of Lady Hardinge and to express to His Excellency the Viceroy its deep sympathy in his bereavement.

The Motion being seconded and supported was declared carried, all the members rising in their seats.

BOMBAY LEGISLATIVE COUNCIL.

THE BOMBAY BUDGET OF 1914-1915.

At the Meeting of the Bombay Legislative Council held at Poona on 27th July 1914, H. E. Lord Willingdon presiding, the Hon. Sir Richard Lamb presented the Budget of the Government of Bombay for the year 1914-1915. Several honourable members having expressed their views on it, the Hon. Sir Pheroseshah spoke as follows.

May it please Your Excellency,—I had no intention of speaking on this occasion, and I would have firmly stuck to my resolution but for the kind offices of my honourable friend Mr. Godbole. He said it was scandalous that there should be a grant of Rupees two lakhs and a half for the improvement of the Kennedy Sea Face. He considers that it is scandalous that the money of the poor people in the mofussil, describing them as labourers and *rayats* should be spent on works of this sort in a city like Bombay. My honourable friend Mr. Godbole is usually extremely well-informed on all subjects on which he speaks and he is always prepared with the past history and relevant facts regarding every question to which he wishes to draw the attention of the Council, but I am afraid that on this occasion he has failed to exercise his usual diligence. If he had looked up the history of this Kennedy Sea Face, he would have found how unfair is the complaint and the grievance which he has brought forward. I will say nothing about the hackneyed arguments which are urged in favour of the poor people in the mofussil as against those of Bombay. In days past everything was done in the mofussil by money supplied from Bombay, and whenever anything was done for Bombay by the money supplied from the mofussil, then there has been a cry that the rich city of Bombay is being endowed beyond its deserts. Leaving all these questions alone, Government have drawn monies from the city's coffers which have gone to the general benefit of the whole Presidency. Take a single recent instance: The working of the Improvement Trust has enabled Government to take advantage of *Sanadi* tenures which were regarded as permanent leases to take the lion's share of the compensation awarded on acquisition by the Trust. But leaving all those questions alone, My Lord, I ask my honourable friend to look up the literature on this question of the Kennedy Sea Face, and he will find how grievously he has erred in the complaint he has made. Does he know how Government acquired the Kennedy Sea Face? Does he know with whose money all that space has been reclaimed from the sea? Perhaps if he looks up the history of that famous Back Bay Company during the time of the Share Mania, which has been clearly described in a book by my friend Mr. Dinsha Wacha, he would have known what is the history of this Kennedy Sea Face. A Company was formed called the Back Bay Company for the reclamation of the Bay. They entered into an agreement with Government,—I will not go into a long story—and unfortunately there was a condition that if the whole work was not carried out, whatever was carried out was to be forfeited to Government. As my honourable friend Mr. Godbole is perhaps aware, when the Back Bay Company went into

liquidation, Government not only kept all the deposits of lacs of rupees, but forfeited the land reclaimed, at whose cost? Not at the cost of the poor people in the mofussil, but at the cost of the citizens of Bombay. That is the history of the acquisition by Government of this Kennedy Sea Face. Having acquired the area in this way surely they are bound to see to it.

In this very Council I have made a complaint that Bombay was very badly treated by Government in this matter. All this land was really reclaimed at the cost of the citizens of Bombay. Does Mr. Godbole grumble that having taken all that piece of land upon which lacs of rupees were spent from the pockets of the citizens of Bombay, Government are not justified in putting it in order by carrying out improvements? I think it is the duty of the Government, under the circumstances that have taken place, to spend a very much larger amount of money on putting the sea-face into good order as the place really deserves. So that this money, *viz.*, Rs. 2,50,000 is really nothing when compared to all the money which has been pocketed by Government, that is to say, the provincial exchequer, and not the exchequer of the City. That is the history, and I think my honourable friend Mr. Godbole, if he will look up that history, will find that there is nothing to urge against the City of Bombay or the Municipality for not undertaking this work on its own hands.

THE GREAT WAR.

LOYALTY MEETING.

A Public Meeting of the citizens of Bombay was held at the Town Hall on 13th August 1914, to give expression to the feelings of deep and strong loyalty which the great War in Europe had evoked among all classes of His Majesty's Indian subjects. Sir Pherozeshah Mehta, who presided, was received most enthusiastically when he rose to make the following speech.

Ladies and Gentlemen,—It is possible that you may find that my voice is not so strong, but I assure you that never have I presided or taken part in the proceedings of a meeting of the citizens of Bombay, with a stouter heart or more willing or impetuous soul than I am proud to do to-day. Never in the memory of the oldest man living has there been a drama of war and strife involving such momentous issues of honour, of duty and of vital interest for the whole British Empire as has been unfolding itself before us since the last few days on a theatre of more than continental dimensions. At this juncture of supreme gravity, we have met together here to-day, in this public hall, men of different races and religions, of different creeds and communities, English and Hindu, Parsi and Mussulman, to proclaim with one heart, one soul, and one mind, that these differences distinguish but do not divide us, and that in the presence of this solemn situation we are merged in one general and universal denomination—the proud denomination of loyal and devoted subjects of the British Crown. (Cheers). As such, we are met together to lay at the feet of our august

Sovereign, our beloved King-Emperor, our unswerving fealty, our unshaken allegiance and our enthusiastic homage. As such, we have met together to proffer with cheerful and eager alacrity all our national resources and our individual services. Ladies and gentlemen, often enough have we met in this historic hall to speak of our rights, our charters and our privileges. At this solemn moment we can only remember that we owe sacred duties and holy obligations to that British Rule under whose auspices the lofty destinies of this great and magnificent land are being moulded for over a century and under whose wise and provident and righteous statesmanship, the welfare, happiness and prosperity of the country are being incessantly promoted. * (Cheers.) We are proud to think, ladies and gentlemen, that the war that Britain is waging is a just and righteous war in a just and righteous cause. Let us pray to the great God of us all that success may attend her arms and that she may emerge from the struggle with increased honour and glory. (Loud and continued cheers).

The Hon. Mr. J. A. D. Machain proposed a Vote of Thanks to the Chairman. He said that though Sir Pherozeshah's voice had diminished, his popularity had not. It was inconceivable what a public meeting would be without Sir Pherozeshah taking an active and leading part in it. He wished long life to Sir Pherozeshah.

In seconding him Mr. Purshotumdas Thakoredas said that it was in the fitness of things that the Champion of civic rights and liberty should be selected to preside at such a meeting where the duties and responsibilities of British citizenship were acknowledged and found an expression in loyal sentiments.

The Meeting was then dissolved.

BOMBAY LEGISLATIVE COUNCIL.

WAR AND INDIAN LOYALTY TO THE BRITISH THRONE.

At the Meeting of the Bombay Legislative Council held at Bombay on 8th December 1914, the Hon. Moulvie Rafiuddin Ahmad moved:—

"That this Council begs to express its deep conviction of the righteousness of the cause of Great Britain in its participation in the present War and assures His Majesty's Government of the unswerving loyalty and devotion of all communities and classes to the British Throne and offers its humble service to Government during the crisis, and prays that the Governor-in-Council will be pleased to convey this expression of opinion to His Majesty's Government."

The Hon. Sir Pherozeshah spoke as follows.

May it please Your Excellency,—At this time of day it seems to me that it is scarcely necessary to add any words to the universal and enthusiastic expression

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* In this connection it may be interesting to recall Sir Pherozeshah's memorable speech on the Ilbert Bill made on 28th April 1883 when he gave expression to his loyal sentiments in the following words:—If I entertain one political conviction more strongly than another, it is that this country in falling under British Rule, has fallen into the hands of a nation than which no other is better qualified to govern her wisely and well. Look among all the leading nations of the world, and you will not find one who, both by her faults and by her virtues, is so well adapted to steer her safe on the path of true progress and prosperity.

of loyalty and devotion to the British Crown and the British Empire which has in such a remarkable way spread over the whole country. Anybody who attended the great Public Meeting held in the Town Hall the other day would have seen what remarkable feelings of loyalty and devotion prevailed throughout all the communities, all the races, all the creeds of all the people of the whole Presidency, although the Meeting was held in the city.

At that Meeting I ventured to say that we were proud to think that the War England was waging was a just and righteous war in a just and righteous cause. My Lord, everything that has since transpired has shown that this War which is being waged is a war which it was absolutely necessary that England should undertake for the very existence, if I may say so, of the British Empire, for the cause of civilisation, and for the cause of humanity; and a prayer goes from all enlightened people in this world that success, final and complete, may attend our great efforts in the cause, as I have said, of humanity and civilisation.

Your Lordship will pardon me if I say a personal word on this occasion. I think it is a matter of great good fortune to the people of this Presidency that we have at the head of the administration and of society Your Excellency and Lady Willingdon. (Applause.) My Lord, I do not want to say anything much more than that we are most grateful that we should have at this supreme juncture Your Excellencies to guide and superintend, as you have done, all the efforts which we wish enthusiastically to put forward to co-operate on this great occasion.

The Resolution was carried unanimously.

BOMBAY LEGISLATIVE COUNCIL.

TOWN SURVEY BILL.

At the Meeting of the Bombay Legislative Council held at Bombay on 9th December 1914, H. E. Lord Willingdon presiding, the Hon. Sir Richard Lamb moved the first reading of a Bill to provide for a Survey of the Town and Island of Bombay. In preparing this Bill the Bombay Government had had the advantage of there having been already in force in Calcutta an Act providing for a Survey such as they wished to have completed in Bombay. The existing survey of Bombay was started in 1865 on the initiative of Mr. Arthur Crawford, the Municipal Commissioner, and carried out partly by Col. Walker and partly by Col. Laughton. The Bombay Municipality contributed Rupees fifty thousand the total cost being Rupees three lakhs and a half. The completion of the map was followed by the preparation of a register designed to show the tenure of the land and the liability of the occupant to Government but the entries in this register were not based on any regular enquiry. The survey and register were completed in 1874. In 1876 the Bombay City Land Revenue Bill came before the Legislative Council when the Advocate-General while he dwelt on the undesirability of enquiring into the titles, emphasised the expediency of the Collector maintaining a register in which all transfers of title to land paying revenue to Government would be entered. Section 149 of the Municipal Act provided that all transfers of titles to premises paying property tax should be notified to the Municipal Commissioner, but it remained, according to Government

a dead letter owing to the want of a proper map and register. In 1890, the question of surveying Bombay once more came up for consideration but financial difficulties led to its being deferred. In 1908 Messrs. Bartholomew, the well-known map-makers of Charing Cross, London, brought to the notice of Government the inadequacy of the maps of Bombay and urged the desirability of bringing them up to date. As a result of that representation the Collector of Bombay addressed a letter to the Municipal Commissioner who in reply forwarded the opinion of the Heads of Departments and added his own. All were unanimous that a mere topographical survey would not be satisfactory and that a cadastral survey was absolutely necessary. By "cadastral survey" they meant a register of the quantity, value and ownership of land or property. The Port Trust and the Improvement Trust in their reply said that they wanted (1) map, (2) a register of properties contained in that map. On receipt of these replies Government decided that a complete revision of the survey of Bombay was necessary—hence the present Bill which sought to provide legislative sanction to the procedure to be adopted by the surveyors and, according to the mover, dealt with nothing more than the power given to Government to recover from holders of land certain fees which it was anticipated would suffice to cover about half the cost.

One of the clauses of the Bill which contained a variation from the Calcutta Act was clause 19, which was in regard to the preparation of a Register of Possession and about the effect of which there had been some apprehensions expressed in the public press.

On this Bill Sir Pherozeshah made the following speech.

May it please Your Excellency,—This is a very harmless aud innocent looking Bill in appearance, but I think that honourable members when they study it more carefully will find that it is a far more extensive Bill and deals in matters of greater importance than would be otherwise supposed. In that connection, Your Excellency, I cannot help wishing that we were following a course which the Viceroy's Council used to follow in the days when I was a member of it. This Bill was published in the Government Gazette certainly long before the 18 days which are prescribed by our rules,—I believe it was published about the 2nd of November,—but even then, I venture to think that the Bill is of such a character and requires such a minute examination that it seems to me almost impossible that the public, the press or any other bodies interested in it would really be able to study it before it came before the Council even for the first reading. In the Governor-General's Council in the days to which I refer, the course which was followed with regard to Bills was this, that the first reading was allowed to come on and the first reading was passed. Then the Select Committee did not follow immediately after that. Its appointment was brought forward in the next sessions, and at the beginning of the sessions a Select Committee was appointed which brought up its report during the same sessions, and the Bill was considered and proceeded with in the usual course. That procedure allowed the public, the press and bodies interested to make their representations before the Select Committee commenced its deliberations. The course which we are following very often results in this, that the Select Committee finishes its deliberations before the people are able to come forward with their representations; and all the rest of the time, sometimes a good deal of time elapses after the report of the Select Committee

is made and that is really of no avail so far as the deliberations of the Select Committee are concerned, and the Members of Council can realise from their experience that it is very difficult to make effective representations after a Bill has been considered by the Select Committee. The other course enables the Select Committee to gain time to receive all possible representations which the public, the press, the parties interested and other bodies interested could make in regard to the matter. Your Excellency, I make this observation particularly with regard to a Bill of this character which requires a very minute study before we can observe what is the real extent of the operations of the Bill, and I will venture to show that the operations are of a character which, if really carried out, would create an agitation in the City of Bombay to which there will scarcely be any other parallel.

Now, My Lord, this Bill reminds me of an incident in this Council which took place in the year 1904. I believe it was the first time that Your Lordship's predecessor, Lord Lamington, presided. A similar innocent looking Bill was brought forward alleged to have been based upon a Bill which had been recently passed in England itself, the English Motors Act,—the Act was passed, I believe in 1903, and this was brought in 1904, and a similar Bill had been passed for Bengal a few months before, and it was alleged in the Statement of Objects and Reasons that the Bombay Bill was based upon the English Statute and the Bengal Bill, and so it was, except with regard simply to one section. All the rest of the Bill was certainly founded upon the English Statute and the Bengal Bill, except one section, which quietly took power to grant monopolies for running motors not only in every town and place in the mofussil, but in every street and every road in all the streets including the City of Bombay, a most extensive thing. My Lord, I ventured to point out to the Council on that occasion,—and Lord Lamington who had come then fresh from England was somehow or other cognisant of the question of granting monopolies in this way,—and after I took objection, he took the opportunity of discussing the matter with his colleagues during the lunch interval and pointed out to them that such a thing could not possibly be allowed, and when they returned, the Hon. Mr. Fulton, afterwards Sir Robert Fulton, ruefully announced that they had determined to withdraw that section completely. My Lord, the same thing happens with regard to the Bill before the Council. It is perfectly true that it is founded upon the City of Calcutta Survey Act,—I believe it is Act I of 1887. Now I perfectly admit that all the main provisions of this new Bill are founded on the Calcutta Act, and as the Hon. Sir Richard Lamb said: "You have simply to substitute Bombay for the word Calcutta," and nothing would have led anybody to imagine that there was any substantial difference between the present Bill and the Calcutta Survey Act unless he had gone very minutely through the sections, because the sections are the same except the certain sections which were thrown out regarding arbitration from the Calcutta Act which were not required in this Act. The Calcutta Survey Act gave the usual power to Government to make rules for the purpose of carrying out the objects of the Act. Now the Calcutta Act contained a very appropriate clause for that purpose. I believe it was section 25 and it ran as follows:—"The Local Government may lay down rules not being

inconsistent with this Act to provide for the preparation of maps and for the collection and record of any information in respect of any land to be surveyed under this Act and generally for the proper performance of all things to be done and for the regulation of all proceedings to be taken under this Act,"—certainly a most proper section for the purpose of giving power to make rules. Now, Your Lordship will see, what does the Bombay Bill contain, and that is in section 19. The Calcutta clause gave only power to make bye-laws for purposes of survey, the main object of survey legislation. Now section 19 of the Bill before the Council reads thus: "Government may lay down rules not being inconsistent with this Act to provide for the preparation and maintenance of maps,"—the same words, perfectly right,—" and of a Register of Possession." These are the additional words " and of a Register of Possession," otherwise the section is the same. Now, My Lord, I submit, " to make rules for the purpose of maintaining a Register of Possession " is an absolutely different thing from a survey, and the preparation and production of maps. I will ask the members of Council to realise what the addition of these few words means really. In the first place, I will briefly state that it means an inquisition into all the private titles of private owners in the City of Bombay, whether they pay any revenue or not. Now I am not speaking without the book in saying this. A letter came from the Government of Bombay to the Bombay Corporation asking them to consent to pay a certain portion, one-sixth I believe, of the cost of the survey. Something in that letter, I frankly confess, roused my suspicion, and I moved in the Corporation that it be sent to the Standing Committee for the purpose of examination and report, and I spoke to the Chairman of the Standing Committee to ask the Commissioner for an explanation of certain of my suspicions, whether it did not involve some inquisition into private titles. The matter went before the Standing Committee, the Commissioner was asked for an explanation, and I think my honourable friend Mr. Curtis, I believe he is somewhere here, was approachad by Mr. Cadell* and consulted as to what the real meaning was, and Mr. Curtis will contradict me if I am not correct. In consultation with Mr. Curtis he explained what would be the meaning of those words in the Bill, and I have got the letter which Mr. Cadell addressed. Upon that explanation in consultation with Mr. Curtis he sent a letter in which he explained the matter in this manner, and I ask the attention of the Council to the real explanation of what was intended to be done by the insertion of those few words. " The enquiry into disputed cases will be conducted by a gentleman of legal training appointed by Government." All these words come in under the Rules, there is nothing in the Act. The letter further said " I understand that it is the intention of Government shortly to legislate in the matter. I enclose a copy of paragraphs 17 and 18 of the Report of the Committee appointed by Government to make proposals. It will be seen that it is proposed to maintain a Central Office and make the registration of all changes and valuation of titles compulsory. This will doubtless have the effect of making entries strong evidence in Courts of Law, and this evidence will doubtless soon, if not immediately, be treated

* The Municipal Commissioner.

as presented. The record maintained will in fact be a record-of-rights." That is the meaning of those few words. Thus we have here under the guise of power of making rules for the purpose of maintaining a Register of Possession an inquisition into the titles of all private owners in the City of Bombay, so that there will come into existence in time a record-of-rights.

Now Your Excellency, I ask in the first place what right have Government to investigate private titles so that there should be at any time a record-of-rights so far as private properties are concerned? If you give notice to people to prove their right of title to possession hundreds of people who would never otherwise have dreamt of raising any claims will come forward. Has anybody ever heard of people being required to produce their title-deeds so that all the flaws in them may be discovered? Most gentlemen will be aware that any number of titles, if examined by a solicitor, he will find that there are flaws in them. Though the titles may be perfectly good still on investigation into the titles, it will lead to the exposure of flaws. So strong is the feeling in England in regard to that matter that Courts of Law will not permit witnesses to be compelled to produce title-deeds. That is the law in England, and that is the law which has been followed in India itself under the Evidence Act, and under section 131 no witness can be compelled, though all documents relevant for the purposes of a case can be compulsorily acquired, to produce his title-deeds in any Court of Law, and Your Lordship and Members of Council will understand what this means. As I say, a title may be perfectly good, but if you subject it to a critical examination, there may be a hundred flaws in it. Not that the party would be turned out in consequence, but he does not desire those flaws to be known to other people to raise all sorts of speculative claims in a variety of ways. Take for instance the Government themselves. If you go into the reported cases you will find that there are a number of them in which Government have absolutely refused to produce anything which may in any way show any defect or flaw in their own titles. I ask my honourable friend, Sir Richard Lamb, whose knowledge and experience of revenue matters is, I suppose, unequalled by anybody in this Presidency, whether Government will not refuse as utterly confidential the production of a document of that sort. They will never produce such documents, and I can imagine, if we were impertinent enough to put a question relating to the production of a document, Sir Richard Lamb getting up and sternly declining it as an absurd request and giving a *non possumus*. Whenever there is a dispute, the party would be required to go before a gentleman of legal training and to prove that he has a good title. Even to prove that he has possession he must produce his title-deeds. Mark the use of that world "Possession." It is one of those dangerous words which might mean anything. What do you mean by "Possession"? Do you mean actual physical possession, do you mean the actual physical possession which may be held by a tenant at will, or a tenant at sufferance or by any body but the rightful owner? What possession do you mean?

The Hon. Mr. Curtis:—Beneficial possession.

The Hon. Sir Pherozeshah:—Now what is a beneficial possession? My honourable friend Mr. Curtis will find that "beneficial possession" means all sorts

of different things. What a vista of litigation and dispute would that raise up? A man is to be required to show his title to beneficial possession. I am afraid my honourable friend Mr. Curtis who is expounding law will find it very difficult to support what he says when the time comes for him. It may mean, if you set aside actual possession, possession by a tenant at will, possession by sufferance, possession by monthly rent, possession for a period of years, it must mean, if he means anything at all, ownership, rightful ownership, and how are you going to prove the rightful ownership except by producing your title-deeds? Supposing that you are called upon to prove your beneficial possession or ownership, how are you going to do it? Are you going in person with a bundle of your documents before this "gentleman of legal training" to produce and let him examine them? Well, an ordinary individual cannot go and propound his title-deed before a legal gentleman, he must go to a pleader or a solicitor and take his advice. Now this will lead to putting an enormous burden upon private owners. It would be a real taxation of a heavy character upon every house-owner and every private owner in the City of Bombay. Even before any dispute arises if he is asked by notice to appear before this legal gentleman and produce his beneficial possession, do you think that anybody will venture to go before him without having consulted some solicitor or some legal adviser? Consider all the expense of the procedure which must follow under these circumstances. Are you going to allow the beneficial possession of the properties in Bombay to be taxed in this manner? For what? For a thing in which Government have no right to meddle at all. Government are perfectly right in carrying out a survey like Laughton's survey, and we would all like a survey which marks out the boundaries of properties, irrespective of the titles of those people who may be there. So far as you may require evidence for the purpose of proving the possession of any strip of land you may be required to produce it. But beyond that what right have you to go into the question of the titles of private owners? The Calcutta Survey Act wisely confined itself to the functions proper of a Survey Act, and made them out accordingly. They never entered into this question of a record of possession or record of rights. Therefore, Your Excellency, I beg to point out to the Members of Council that this is a far more extensive Bill involving questions which would give rise to perturbation in this city such as you have never dreamt of in the old days. Everybody would tremble if he is spoken to with regard to his title-deeds. In the City of Bombay, it is true that there are a certain number of large land-owners who possess a large portion of the city. But there are a large number of what are called single house-owners, people—a widow or a man who owns only a single house, part of which he or she occupies and part of which is let out. From the rent he or she maintains himself or herself. Just imagine a person in that position being called upon to appear before this "gentleman of legal training" and asked to show his possession. If it is disputed by anybody, claimants may arise who would never have dreamt otherwise of questioning the right of the rightful person, and then he or she would be required to appear before this gentleman to show that he or she is entitled to beneficial ownership. What a burden you are putting upon the private owners and for a

purpose in regard to which Government have no right to meddle at all? There are tribunals which go into these questions of disputed rights when the disputes arise. I do not know if Government have obtained the opinion of the Judges of the High Court. You will find that the percentage of disputed claims is very small, and for these few cases the Civil Court is the tribunal. They go to the Civil Tribunal and get their disputes decided. But here you enter upon an enquiry into all the properties in a large city like the City of Bombay and call upon them to prove their right of beneficial ownership all at once. As I said, Government have no right whatever to call upon any private owner except for certain public definite purposes like the survey and other things to do what is needful.

My honourable friend very glibly spoke of beneficial ownership. Take the question of an undivided Hindu family. What a difficult task it would be to settle it? Is the manager of the joint family to be put down, or all the persons interested or possibly all those occupying the house living together, are they all to be put down, and how long is this to be gone on with time after time, the registers being altered and changed and the thing carried on from year to year indefinitely?

My Lord, I have given no notice of any amendment at the first reading as I once intended to do, because I think it is possible to thrash out the matter in the discussion in the Select Committee, and therefore it is that I have given no notice of any amendment in regard to this point. But I do impress upon the Council that this Bill is far from being an innocent looking production which at first sight it appears to be, and it is not only not innocent, but I think it is likely, if carried out in the way in which it appears at present it might be, to do immense mischief, bring about immense agitation and throw a heavy pecuniary burden upon the citizens of Bombay which Government have no right to impose upon them. As I said, they are perfectly right in carrying out a survey for general purposes and for municipal purposes; they are perfectly right that they should have such a survey. But I say that, if this Bill tries to go beyond that purpose, it would be entering upon a function, which it is not the function of Government to enter upon, it would be meddling into private rights, it would be entering upon an inquisition of private titles and title-deeds which no country does,—I won't say no country in the world because when I say that, it may be said "Oh there is Germany and Prussia," but I hope we have got rid of the fondness for imitating their methods, of following the Prussian models and German models as was once the vogue. I trust we shall no longer be enamoured of Prussian models and Prussian dictation. (Laughter.)

The Hon. Sir Richard Lamb:—What about Scotland and London?

The Hon. Sir Pherozeshah:—There is no such thing as a Compulsory Register of Possession there.

The Hon. Mr. Curtis:—I beg the honourable member's pardon.

The Hon. Sir Pherozeshah:— Well, I shall have the opportunity of pointing out at the proper time that my friend Mr. Curtis is mistaken in thinking that any such thing exists in England or Scotland of the sort he imagines.

I venture to submit, My Lord, that if this Council embarks upon such an inquiry as is possible under the wording of section 19 in a country like this, and in a City like Bombay, with a population, Hindu and Mohammedan, with their different habits and their special laws, you will bring about such an agitation to which, as I said, there will scarcely be any other parallel. Take the case of a Mohammedan family. How will you discriminate whom to put on that Register of Possession? Well these are questions with which I will deal later on. I say that if you consider the conditions of Bombay life, if you consider the conditions of an enormous City like Bombay, if you press on this Bill with the object of securing a Register of Possession, you may call it a Record-of-Rights, I think you will bring a hornet's nest round your ears such as that of which we have no experience for very many years past indeed.

With regard to the rest of the Bill and with regard to the distribution of the cost, as I said, these details can best be settled when the matter goes to the Select Committee, and I know that my honourable friend Sir Richard Lamb has asked me if I would serve on that Select Committee, and I have expressed my willingness to do so, though I should have preferred perhaps not to be so burdened because it is a matter which I feel essentially affects the interests of the City of Bombay, and I could not possibly refuse to serve on a committee of that character.

With regard to the other question in reference to the distribution of the costs of the Survey as to the charges for giving maps of the different properties of private people, this will have to be considered, whether such a thing should be compulsory or voluntary. If it is a useful thing for private parties to possess, I have no doubt they will come forward voluntarily to ask for copies of those plans, but I am not quite sure yet whether it is wise to impose a compulsory burden upon everybody to come forward and pay charges for securing the plans. This is a question which requires very careful consideration.

Then, My Lord, I come to the point which I first made, and that is that this is a Bill of very great magnitude in which it is necessary that the public should have ample time to consider the dimensions of the Bill. You cannot expect people, when the Bill was published only on the 2nd of November, to have gone into it thoroughly before it came before the Council to-day. The Select Committee, if you appoint it at once, may sit at any time. There is nothing to restrict the Chairman of the Select Committee from calling it immediately after the Council closes, and very often such has been the case. This procedure will not give enough time for the purpose of enabling all the interested parties including the general public as well as the Press to really examine and make representations with regard to this Bill. And that was what made me to suggest whether such a course as I sketched out and which was followed in the Viceroy's Council might not be a useful course to take, that the appointment of the Select Committee should not follow immediately the adoption of the first reading of the Bill, but that the Select Committee should be appointed early in the next sessions, so that the parties interested and

the public might have ample time to send in their representations which could then be considered by the Committee. What I say is that a Select Committee sitting in that way could receive all representations before commencing its deliberations. All the time that is required by our rules is 18 days before taking the report of the Select Committee in consideration and that will be within the time which the Council will occupy in the sessions and the Bill can be disposed of at that sessions without any further delay. However, this is only a suggestion which I throw out. This has been in my mind in connection with various other things in regard to which discussions had arisen as to the time which should be given for the purpose of enabling the public to make their representations, and very often I think my honourable friend Sir Richard Lamb had to say that he will not call the Select Committee for such a period of time so that the parties may have time to make representations. It seems to me that the other course is a more definite course and the representations could be considered in the Select Committee. I have known of instances in which Select Committees have not considered the repesentations sent to them in this way. The representations have come sometimes perhaps a short time after the report had been drawn up by the Select Committee, and then of course the memorials were laid aside without being considered by the Select Committee. However, that is only a point which I have to throw out for future consideration, but I submit again that this is a Bill which requires very careful consideration and examination indeed.

The Hon. Sir Richard Lamb and the Hon. Mr. Curtis having replied, H. E. the President in summing up the debate on the first reading said:—

Honourable members will agree that we want to have a Map of Bombay. From my honourable friend Sir Pherozeshah Mehta, I gather, the Map of Bombay should contain public grounds, public places and buildings of all sorts, but that the names and holdings of owners of private properties should not be included in this map.

The Hon. Sir Pherozeshah Mehta:—No, no.

H. E. the President:—I should like the honourable member to tell me what it is he wishes for.

The Hon. Sir Pherozeshah:—My Lord, what I say is, in the survey, include all properties in the City of Bombay, their boundaries, all the public roads, and all the public places which belong either to Government, to the Corporation, the Improvement Trust, or to the Port Trust. The important thing is that no encroachment should take place. It is essential to put down boundaries of all properties, private properties included, and I do not dispute about it in any way.

The motion for the first reading of the Bill was then put to the vote and carried and the Bill was referred to a Select Committee of eleven honourable members including the Hon. Sir Pherozeshah Mehta.

BOMBAY MUNICIPAL CORPORATION.

DEATH OF THE HON. EDWARD HARDINGE.

The Meeting of the Bombay Municipal Corporation held on 21 December 1914 passed a Resolution of Condolence on the sad death, at the front, of Lieut. the Hon. Edward Hardinge, the gallant son of H. E. the Viceroy, who valiantly gave his life to the cause of the Empire. The Hon. Sir Pherozeshah in moving the Resolution said :—

Mr. President,—Of all the cruel results of this brutal War in which the British Empire has been obliged to join, nothing is more pathetic and heart-rending than the daily "Roll of Honour"—list after list of young and gallant—not only young but old and gallant—officers and men who are deprived of their lives, leaving behind them weeping widows and children—and it reminds one of the pathetic words once used by John Bright* in the House of Commons about the sad loss of lives involved in every war. Heart-breaking as it is, the news of the death of the gallant son of our noble and beloved Viceroy comes as a shock nearer home to us than anywhere else. Only the other day when we read that there was great hope of his recovery and that he was able to receive the "Distinguished Service Order," our hearts had rejoiced to think that the Viceroy would be saved from this heavy calamity. But alas!—all the the hopes vanished and the sad intelligence shattered the heart of the country on Saturday night. Nothing that we could say, could console the Viceroy for the calamity that has so soon† befallen him while in the conscientious and honest discharge of the onerous duties that he is so nobly fulfilling. But irreparable though the loss is and inconsolable though the Viceroy is it is our duty to go to him with an expression of our profound sense of sorrow at the distressing event and at this moment we could only pray that God might give him strength to bear the successive misfortunes that have overtaken his home. We could go to His Excellency with feelings of sincere and heartfelt sorrow and tell him that our hearts bled at this fresh calamity that has befallen him.

The Resolution was unanimously carried.

WELCOME TO MR. AND MRS. M. K. GANDHI.

INDIAN HEROISM.

To have the pleasure of meeting Mr. M. K. Gandhi, the leader of the Indian Colonists in South Africa, and Mrs. Gandhi, a representative gathering of Bombay citizens assembled at Mount Petit on 12 January 1915. The Hon Sir Pherozeshah proposed the toast of the guests of the evening as follows.

* Speaking against the continuance of the Crimean War, in the House of Common on 23rd February 1855, John Bright said—"The angel of Death has been abroad throughout the land. You may almost hear the beating of his wings."

† H. E. Lord Hardinge had died in England in the preceding July

Ladies and Gentlemen,—I have been asked by the Committee, which has invited you here, to say a few words in proposing the toast of our honoured guests Mr. and Mrs. M. K. Gandhi. I do not think it is at all necessary for me to tell you anything about the life and career of Mr. Gandhi. For the last few years the whole country has resounded with the tale of his great deeds and his trials, his courage and his high moral qualities, his labours and his sufferings in the cause of the Indians in South Africa, in enabling them to assert and to maintain their prestige, their honour and their self-respect. As I said, I feel, it is not necessary to recount the tale which we have heard from the public platform, read in the Press, or have discussed in our social life. It is enough if I tell you that we all regard Mr. Gandhi as a hero in the cause of Indian independence, and I might add that he narrowly escaped being its martyr. (Applause). We are therefore all proud of Mr. Gandhi and I will take leave to say that we are prouder still of her who ever stood by him in his trials and in his privations,—I mean Mrs. Gandhi—(Applause)—the heroine of South Africa. There was no more pathetic thing in the whole campaign which Mr. Gandhi waged in South Africa than the incident of Mrs. Gandhi insisting upon standing shoulder to shoulder with her brave husband in the fight, in the sufferings and in the endurance he was prepared to undergo. Ladies and gentlemen, so long as we have Indians like Mr. Gandhi and Indian women like Mrs. Gandhi, we need not despair of our country. (Applause.) They show that at the proper time and as occasion may arise they are possessed of the highest qualities of courage, heroism and capacity of endurance and suffering and these are qualities for the possession of which a nation like ours may justly be proud. (Loud applause.)

Ladies and gentlemen, we are glad that Mr. and Mrs. Gandhi's arrival in this country has given us an opportunity of telling them face to face how we honour, respect and admire them. We bid them a cordial welcome back to their own home and to their own country. Mr. Gandhi has already told us that he means to devote the rest of his life to the cause of his motherland. Let us wish him the same success here that he achieved in South Africa and I am perfectly certain that he will be the means of doing enormous good and promoting in every way the welfare and prosperity of this country which he cherishes like ourselves so well and patriotically. ("Hear, hear.")

Ladies and gentlemen, I would like to add one word more. Mr. Gandhi has shown that he can combine the greatest qualities of courage and of heroism with the deepest loyalty and at this time it is no small matter to think that his exertions have brought about such a state of things that the Indians in South Africa stand side by side with us in our expressions of enthusiastic and devoted loyalty to the British Crown. (Applause).

So in the name of this great gathering, I bid you both, Mr. and Mrs. Gandhi, a cordial and enthusiastic welcome on your return to your own country, with the warmest expressions of our respect, honour and good-will. (Loud applause.)

BOMBAY MUNICIPAL CORPORATION.

SIR PHEROZESHAH'S INFLUENCE.

During the debate in the Bombay Corporation on 1st February 1915 on the proposal to utilise two wards at the Mahratta Hospital for tuberculosis, Major Liston and others having alluded to the Hon. Sir Pherozeshah's paramount influence over the members of that body, Sir Pherozeshah, in his reply, referring to those remarks, said :—

Where is the necessity for the warning that the members take their cue from me and that they vote for a proposition because I am in favour of it? Surely nobody knows better than Major Liston that I have no sugar plums to distribute: I cannot get members appointed on the Corporation by Government, I cannot get members elected by the Bench of Justices, I cannot get persons returned to the Standing Committee, I cannot get members elected Presidents of this Corporation; I can only indulge in—if I may be allowed to be a bit poetic—the feast of reason and the flow of soul. I, gentlemen, can give you reason and supply you with arguments—I cannot give you Rao Bahadurships, I cannot give you Khan Bahadurships. I cannot give you a Knighthood—I got one through the favour of other people—and when Mr. Dabholkar speaks about "followers" he must have meant other people altogether. There is no reason for Major Liston's fears that members would vote in a particular manner because I said it. Major Liston might rest assured that he would never lose any vote on that account. Whether I will get the votes my reasons and arguments are entitled to, is certainly a doubtful question. I can understand it because Major Liston pooh-poohed Mr. Mody's rider which aimed at settlement. This shows he is strong in the sense of power.

Major Liston :—It is reason, justice and right.

Sir Pherozeshah :—I have shown how often justice and right have conquered. Major Liston says that members might be afraid of me but I do not know why. At one time in my younger days people used to play with my name and call me "Ferocious Mehta," but advanced in years and with my apostolic old age the ferocious character has fallen from me and I can frighten no one and cannot get votes from any other source but "reason, justice and right."

BOMBAY CORPORATION JUBILEE DINNER.

MUNICIPAL REFORMS AND GOVERNMENT CO-OPERATION.

The Bombay Municipal Corporation Jubilee Dinner was held on 2nd March 1915, in the Municipal Council Hall, the Hon. Sir Fazulbhoy Currimbhoy Ebrahim, the President of the Corporation, presiding. Their Excellencies Lord and Lady Willingdon were the guests of the evening. The Hon. Sir Pherozeshah proposed the toast of the President as follows.

Your Excellencies and Gentlemen,—I feel that first of all I might say something to remove the alarm I see depicted in all the faces around me because the general impression is that when a Municipal Councillor gets on his legs in this Hall, he is seized with a frenzy of inordinate talk; but I wish to assure you that I have risen for performing a very simple but severe traditional task,—the task of proposing the health of the President, Sir Fazulbhoy, and in doing so I am severely determined to be as brief as possible. But there are one or two observations, which His Excellency's very eloquent, suggestive and beautiful speech has raised up in my mind. There is nobody in this Hall as in the Corporation, who has not a very high admiration for the great accomplishments and abilities of the executive officials whom Government lends for the purpose of carrying on the executive work of the Municipality, and I think my friend Mr. Cadell, our Municipal Commissioner, knows very well the great esteem and admiration in which I and the other members of the Corporation hold him for the very strenuous and admirable work he is doing for the welfare of the City. But I beg permission of His Excellency to make one remark and that is that I am not quite prepared for the picture His Excellency has drawn of Mr. Cadell as the angel of progress and development, while we, poor councillors, are sinners,—backward and retrograde. The Municipal history would tell His Excellency that the Corporation of this City neither was nor is a retrograde body,—perhaps it might have been a cautious and a careful body as it has been popularly imagined to be; but never have I heard it to be called unprogressive or retrograde—never have I known it to have fallen off either in its quality or in its merit. And I give only one instance to substantiate what I say, —and it is not as a matter of conceit but as a matter of historic truth,—an instance of the great Tansa Water Works. Would His Excellency be astonished, I ask, would he be surprised to hear that this great work was undertaken by the Municipal Corporation almost entirely, if I might say so, in opposition to the views of the then Municipal Commissioner? It is history I am telling His Excellency.

[Here Sir Pherozeshah spoke at length on the history of the inauguration of the Tansa Works. Continuing he said—]

There is one question His Excellency has put and which I wish to answer. He has asked how it was that the Commissioners were the pioneers of progress and development while again we, poor councillors, sadly lagged behind; while the Commissioners were so liberal, the councillors were so niggardly, and I should have thought that His Excellency with his great experience of public life would have found an answer to this question himself. We must remember that the Municipal Commissioners put their hands in the pockets of other people while the Municipal councillors have to put their hands in their own pockets. That is the secret of the liberality found everywhere. I am making these remarks on an occasion—if His Excellency will permit me to say so—of [illegible] and mirth. The real truth is that the Municipal Commissioner as the executive head, has always worked in zealous co-operation with us the councillors for the progress and welfare of the City. That

is the one common object for which Government officials have worked in hearty co-operation with all the members of the Corporation. And it is only this mutual assistance and mutual co-operation that accounts for the progress and development of the City of Bombay for which the Commissioners and councillors share equal credit and honour. And I wish to add one more remark. It is one in the keen appreciation of that policy of co-operation in which the best interests of the City would lie and I take permission to say that co-operation must not be all on one side and I ask for equal co-operation from Government and other large bodies which are controlling the progress of the City. No doubt Government have been very good to us and have always met us very liberally, but as the calls on the Municipal purse are so frequent, we ask to be permitted to play the part of a beggar so far as Government are concerned and to say that in future Government would come forward to co-operate with the Corporation in the welfare and progress of this not only the great city in Western India, not only the Imperial City in India but the second city in the whole British Empire. I ask His Excellency's pardon for straying away from my purpose but one or two remarks in His Excellency's speech has perforce led me to this digression.

And now, gentlemen, I come to my own subject and would like to make only one observation. I am very anxious to make that observation because Sir Fazulbhoy provides an illustration which all the citizens might take to heart. He is a member of the Viceregal Council, he had been a member of the local Council, he has a big business to look after, in fact, he is one of the busiest men in the city, and still he finds time to attend to all the civic duties, and I appeal to all the great merchants and officials and the great proprietors and editors of newspapers not to think that by coming on the Corporation they would be wasting their time and I am sure that they would serve a useful purpose by joining in the deliberations of the Municipality and thus assisting in the civic administration of the City. That is the observation I wished to make about Sir Fazulbhoy and with that remark I ask you to drink to his health. (Loud cheers.)

GOPAL KRISHNA GOKHALE.

PUBLIC MEETING IN BOMBAY.

A Public Meeting at which H. E. Lord Willingdon, the Governor of Bombay presided, was held at the Town Hall, Bombay, on 5th March 1915, to express regret at the untimely death of the Hon. Mr. Gopal Krishna Gokhale and to take steps to perpetuate his memory. Sir Pherozeshah Mehta who spoke very pathetically was loudly cheered when he rose to make the following speech.

Your Excellencies, Ladies and Gentlemen,- All thoughts of making a great speech about this great man and his great work have been driven out of my mind. I could have taken up hours and hours recounting all that I knew of Gopal Krishna Gokhale, his noble life and his brilliant career. But I feel the example which His Excellency with his unerring judgment has set us of being very brief, is the wises.

one. Even if all thoughts of making a great speech had not vanished from my mind, on seeing this vast gathering they would have vanished, in consequence of my own inability to do justice to that eminent Servant of India in the manner I should have liked to have done. No speeches are required about him, no words are necessary to recount his manifold activities. This gathering and the gatherings all over the country are eloquent speeches to speak of him as he deserves to be spoken of. Even if I attempted to make a long speech I feel I could not have spoken connectedly and coherently for the reason that I feel so sad, so depressed, so forsaken, advancing as I am in years, on seeing valued and beloved colleague after colleague dropping away from my side. Telang has been gathered to his fathers, Ranade is no more amongst us, Badrudin has passed away, our beloved Gokhale alas! has now closed his eyes for ever and for ever, and many others, whom I could name, are leaving me one after another forsaken and desolate. I feel almost alone in the stupendous work for the country which is still pending before us. But memories and associations that come up before my mind's eye would scarcely leave me any power to dilate on details. Within the last few days of his death, I had numerous opportunities of conference and communion with him in Bombay and in Poona whither I went to pass my Christmas holidays this time, for the purpose of meeting him and speaking to him on many and many an important subject. We were together on several occasions and who could have thought then that we were no more to meet!—who could have dreamed that his end would come so soon!* I cannot but recall with a keen sense of regret what plans he laid down for the present year, what hopes he had for making himself useful to his countrymen, what work he chalked out for himself for the development and advancement of the country which he loved so dearly! For many and many a long day some of us would only be able to give out the sore, the bitter and the pathetic cry as we miss him day after day—

But oh for the touch of a vanished hand,

And the sound of a voice that is still!

Ladies and gentlemen, Gokhale is dead. How dearly we loved each other, how genuinely we trusted each other, what regard he had for me and I had for him, words fail me at the present moment to convey to you. In an attempt to speak of him all that comes back to my mind is—"Gokhale is dead leaving me behind. What shall I do to consummate the tremendous work that is lying before me! How should I act to carry out the plans we had chalked out, without his help, without his society, without his guidance and without his co-operation!"

---

* Sir Pherozeshah's very last meeting with Mr. Gokhale took place at Villoo Villa, Poona, where the former was then staying, on the evening of Wednesday, 30th December 1914, when the two leaders had an animated discussion on a certain public question of the day, Mr. Gokhale undertaking, at Sir Pherozeshah's suggestion, to obtain information about it at the next Session of the Imperial Council. Only a few days before Mr Gokhale's death, he, Sir Pherozeshah and H. H. the Aga Khan had arranged a meeting to discuss matters in connection with the holding of that year's Session of the Moslem League in Bombay, but unfortunately a couple of days before the projected meeting, Mr. Gokhale suddenly breathed his last amidst the universal mourning of a sorrowing nation.

Ladies and gentlemen, the previous speakers have informed you rightly that everything that could be said about Mr. Gokhale was said by the noble Viceroy in the Imperial Council and by our beloved Governor on more than one occasion. All that now I can do is to associate myself with Their Excellencies in paying my last tribute to the memory of a great and a good man and to add that Gokhale was a great gentleman and that he possessed a great moral and spiritual power which he exercised over all classes of people and which enabled him to carry out the great work which he had undoubtedly performed for the benefit of his countrymen whom he has left weeping behind him. (Loud and continued cheers in which Lady Willingdon joined clasping the speaker's hands and congratulating him on his splendid utterance.)

BOMBAY MUNICIPAL CORPORATION.

MUNICIPAL OFFICERS AND OUTSIDE APPOINTMENTS.

In a letter dated 8th July 1914 the Bombay Government had made proposals to the Bombay Municipal Corporation, inter alia, for the appointment of the Health Officer or his Chief Assistant as Professor of Public Health in connection with the establishment of a School of Tropical Medicine in Bombay. The Corporation having referred the matter to a Committee on 16th July 1914, the latter in their Report submitted "that sanction may be provisionally given to the proposed arrangement for one year." The Hon. Sir Pherozeshah, who was one of the Committee, in his Minute of dissent, wrote as follows. The whole Minute was drafted by Sir Pherozeshah himself at Poona, during his last illness, a few days before his death, and this was practically the last work he did in connection with the Bombay Municipal Corporation. He wrote:—

I venture to think that we shall best serve the interests of both Government as well as the Corporation and discharge our duties to either body by "rendering unto Cæsar what is due to Cæsar," *i.e.*, to say, by rendering to each body what appertains to each. We can only properly do so by strictly and faithfully observing the legal and constitutional limitations which are provided by the Legislatures (in which Government is a potent factor) to regulate and safeguard Municipal activity. And I am sure Government will not misunderstand our action if in any particular matter we find ourselves debarred from meeting their wishes and accepting their proposals in consequence thereof. Some of my colleagues talk light-heartedly of driving a coach and four through the provisions of the Municipal Act, but I am afraid they do not realize what a serious thing it is to infringe the plain provisions of the law. I am afraid they are not aware how plain the provisions of the Municipal Act is in respect of the question in the present case. Section 74 says:—

(1) The Corporation shall appoint fit persons to be Municipal Executive Engineer, Municipal Executive Health Officer, and Municipal Hydraulic Engineer.

(2) Each of the said officers shall—

(*a*) be appointed for a renewable term of five years,

(*b*) *devote his whole time and attention to the duties of his office.*

It will be observed that the words of clause (*b*) are carefully chosen to make it clear that no portion of his time or attention shall be devoted by any one of the

three officers to anything but the duties of his office. As this is a statutory provision, it is not competent even for the Corporation to sanction or permit its infringement. It is as binding on the Corporation as on the officer himself, as my friend Sir T. B. Nariman would have discovered if his zeal had not outrun his legal and constitutional lore. It is as astonishing to me as it is distressing to observe that the Municipal Commissioner and the Executive Health Officer from whom we should expect a scrupulous observance of the integrity of the Municipal constitution should deliberately recommend a proposal so completely subversive of a prohibition to which the Legislature attached so much importance and deemed so essential that they incorporated it in the Act without allowing even the Corporation any discretion in the matter. The reason stated by Mr. Cowasji Jehangir in his Minute that it was most undesirable to let the Health Officer of a City like Bombay undertake any other duties except those appertaining to his office was the very reason which the Legislature thought so cogent that they were persuaded to insert clause (*h*) in section 74.

At the Meeting of the Medical Relief Committee held on the 1st February 1915, at which I presided as Chairman thereof, the above view was accepted and a draft report framed in pursuance thereof. In view however of several dissenting minutes a fresh meeting of the Committee was called on the 30th August, when I was unfortunately unable to be present, and the decision of the previous Committee was, as appears from the minutes of the proceedings, reversed by 7 votes against 6.

P. M. MEHTA.

* * * * * *

The Committee appointed by the Bombay Municipal Corporation to report on the Commissioner's letter dated 23rd October 1912 requesting sanction to Mr. B. H. Hewett, Deputy Executive Engineer, Mechanical Branch, being permitted to accept fees for attending meetings of the Boiler Commission, had stated in their Report that having regard to the fact that the meetings of the Boiler Commission averaged less than three a year and were not held during office hours and that the additional work did not interfere with Mr. Hewett's official duties, they saw no objection to his being permitted to serve on the Boiler Commission and to accept the fees for attending its meetings. The Committee also saw no objection to the proposal of the Commissioner, who stated that the sanction of the Corporation to the acceptance of the fees by Mr. Hewett was not obtained through oversight and that he should now be granted sanction with retrospective effect so as to legalise the acceptance of such fees since the year 1906.

The Hon. Sir Pherozeshah who was one of the Committee criticised the Report as follows.

The Report ought to state clearly that the sanction of the Corporation was necessary to enable Mr. Hewett to serve on the Boiler Commission. The power of appointing officers other than the Statutory Heads of the Health, Engineering and Water Departments vests in the Commissioner, but once appointed they are Municipal Officers whose services cannot be lent for outside purposes without the sanction of the Corporation.

P. M. MEHTA.

[In the following Index P stands for Mr. (Sir) Pherozeshah Mehta.]

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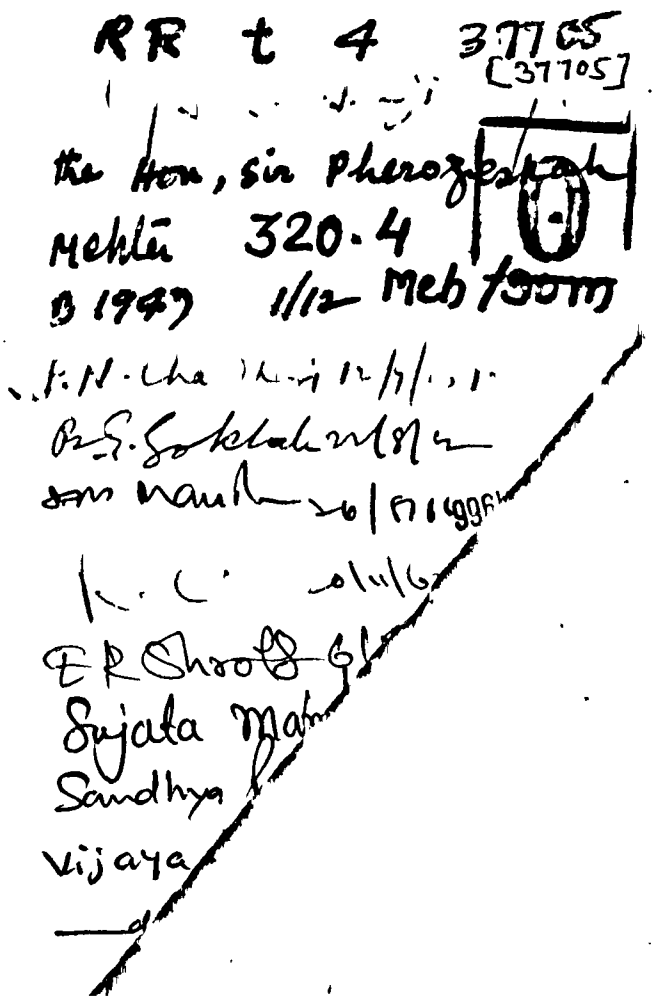

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